96-85

CIVILIAN TECHNICIAN PROGRAM

HEARINGS

BEFORE THE

SUBCOMMITTEE ON INVESTIGATIONS

OF THE

COMMITTEE ON POST OFFICE AND CIVIL SERVICE HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

SECOND SESSION

APRIL 29, MAY 1, 1980

Serial 96–85

Printed for the use of the
Committee on Post Office and Civil Service

NEWARK PUBLIC LIBRARY

SEP 26 1980

U. S. GOVT. PUBS.
DEPOSITORY 376

U.S. GOVERNMENT PRINTING OFFICE
88-444 O WASHINGTON : 1980

Y4.P84/10:

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

JAMES M. HANLEY, New York, *Chairman*

MORRIS K. UDALL, Arizona, *Vice Chairman*

CHARLES H. WILSON, California
WILLIAM D. FORD, Michigan
WILLIAM (BILL) CLAY, Missouri
PATRICIA SCHROEDER, Colorado
GLADYS NOON SPELLMAN, Maryland
HERBERT E. HARRIS II, Virginia
ROBERT GARCIA, New York
GEORGE THOMAS (MICKEY) LELAND, Texas
GERALDINE A. FERRARO, New York
DONALD JOSEPH ALBOSTA, Michigan
JOHN J. CAVANAUGH, Nebraska
GUS YATRON, Pennsylvania
MARY ROSE OAKAR, Ohio
EDWARD J. DERWINSKI, Illinois
GENE TAYLOR, Missouri
BENJAMIN A. GILMAN, New York
JIM LEACH, Iowa
TOM CORCORAN, Illinois
JAMES A. COURTER, New Jersey
CHARLES PASHAYAN, Jr. California
WILLIAM E. DANNEMEYER, California
DANIEL B. CRANE, Illinois

DAVID MINTON, *Executive Director and General Counsel*
THEODORE J. KAEY, *Minority Staff Director*
ROBERT E. LOCKHART, *Deputy General Counsel*
JAMES PIERCE MYERS, *Assistant General Counsel*

SUBCOMMITTEE ON INVESTIGATIONS

JAMES M. HANLEY, New York, *Chairman*

GLADYS NOON SPELLMAN, Maryland
DONALD JOSEPH ALBOSTA, Michigan
JOHN J. CAVANAUGH, Nebraska
GENE TAYLOR, Missouri
JIM LEACH, Iowa

TOM DEYULIA, *Subcommittee Staff Director*

CONTENTS

APRIL 29, 1980

Statement of—	Page
Jack H. Reagor, vice president, Association of Civilian Technicians	2
Vincent J. Paterno, president, Association of Civilian Technicians	4
Kenneth T. Blaylock, president, American Federation of Government Employees	52
John Esposito, president, Local 1900, American Federation of Government Employees	57
Alfred H. Ahner, Major General, president of Adjutants General Association	72
Francis S. Greenlief, Major General, executive vice president, National Guard Association	80

MAY 1, 1980

James M. Peirce, national president, National Federation of Government Employees	89
Charles Hickey, national vice president, National Association of Government Employees	106
Harold W. Chase, Deputy Assistant Secretary for Reserve Affairs, Department of Defense	116
Cumulative technician grades converted	131

CIVILIAN TECHNICIAN PROGRAM

TUESDAY, APRIL 29, 1980

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INVESTIGATIONS,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The subcommittee met, pursuant to adjournment, at 9:39 a.m., in room 304 of the Cannon House Office Building, Hon. James M. Hanley (chairman of the subcommittee) presiding.

Mr. HANLEY. This is the first of two hearings to examine the status of the U.S. civilian technician program. This program, with some 70,000 employees, has served in support of the American military reserve since 1947. Technicians are Federal employees who serve the National Guard and the Army and Air Force Reserves in support capacities in the areas of administration and maintenance. Ninety percent of this work force serves in dual status, both as part-time military members and full-time Federal employees. They provide an extremely important service in supporting the functioning of our armed services.

In recent years, questions have been raised about various aspects of the civilian technician program, particularly its costs and the role that civilians should play in military organizations such as the Reserve components. While no one questions the technicians' ability to do the job, there are some concerns that the technicians' civilian status may be affecting military control and causing management problems. However, others feel that without the skill and experience of the civilian technician, the Reserve cannot function.

In 1978, the House Appropriations Committee responded to these conflicting viewpoints and established a test program to see how converting technicians from civilian to military status would affect our Reserve. Although this test's results will not be evaluated until December of 1980, the Defense Department has already requested in its fiscal year 1981 budget proposal that nearly 4,000 technicians be converted. In light of the proven value of technicians, it seems the Defense Department may be acting prematurely and should consider waiting until the actual test results are available before seeking further conversion of technician positions.

This hearing intends to examine the progress of the military test program and the reasons for the Department of Defense's budgetary request. Our hearing will also consider the value and place of the civilian technician program in supporting Armed Forces readiness and whether full conversion can provide the Reserve the same high level of service as the present system. Our first witness this morning is Mr. Vincent J. Paterno, president, of the Association of Civilian Technicians. I understand that President Paterno is ac-

companied by Mr. John Chapman, as executive assistant; Mr. John T. Hunter, as executive vice president; and Mr. Jack H. Reagor, as vice president.

Gentlemen, it is a pleasure to have you with us, and on behalf of the full committee we welcome you here this morning, and we look forward to your testimony, which certainly will prove very meaningful to the deliberations of this committee.

Mr. PATERNO. Thank you, Mr. Chairman.

As you have already introduced the people with me I do not feel any necessity to do it further. Mr. Reagor, however, has a short statement which, unhappily, did not get given to the committee until this morning because the mails broke down between Great Falls, Mont., and Washington; but he carried them in his suitcase and had the copies made and brought them in with him, so I would like it if we could have Mr. Reagor speak first, and I will sort of sum up because he is going to point out one of the real major problems, the downgrading of adequately trained and capable people into a circumstance that makes it less than interesting for them to stay aboard the technician program.

STATEMENT OF JACK H. REAGOR, VICE PRESIDENT, ASSOCIATION OF CIVILIAN TECHNICIANS

Mr. REAGOR. We thank you, Mr. Chairman, for all you have done for technicians. You have championed in our cause. This committee has been a real asset to technicians.

I am a technician myself. I am vice president of our Union, but at the same time I am a full-time employee of the National Guard, and as most of the people in this room are also technicians, we are here on annual leave representing our own cause in our own lobbying effort.

The issue I would like to talk about today involves the downgrading, reclassification of people, the effects it is having on our people, adverse affects to people with many years of experience. It is affecting technicians that have 10 to 30, or even more years of career technician service with the National Guard.

I talked to this committee some time ago when we first became full-time Federal employees. I told you about the problems that the Guard is having, that our Union is having, and the inappropriate downgrading. Many of the causes that I talked about, or the problems then, have now been rectified. However, we are still faced with downgrading at a continuous pace. It seems to be picked up a great deal in the last 2 years, and that is when this military test program went into effect. It would appear to us that the downgrading is being pushed on to our people in an effort to discourage technician employment in favor of the military test program. It hampers the advancement of technicians coming up, and it does away with the career program, and the area that I want to talk about particularly today are the inappropriate actions that our agency is placing on us in regards to downgrading and classification.

Technicians do not have their own position descriptions. They have a position description that is put out, not by the supervisor and the individual, but it is put out at either an area where they do classifying, or within the Guard Bureau itself. They are not

accurate. They are not complete, and the people that we represent work at different locations. They work under different mission assignments. They work for different managers who arrange the different workloads. The standard inaccurately describes the specific jobs that are being required of the individuals.

Next, recently many people have been faced with more than one downgrade in a single year. In other words, they may go from a WG–12, down to a WG–11, down to a WG–10, all within a 1-year period.

The process of classification requires that they use particular standards that are put out by the Office of Personnel Management as a grade comparison. In many cases the standards are not being used that are published, and I will give you an example of this. In the one career field of a nondestructive inspection person. They have recently reclassified that job. They used three different wage standards, but the people themselves do not do any of the jobs listed in the standards.

Mr. PATERNO. Would you kind of describe what a nondestructive technician is? It might be a little more enlightening.

Mr. REAGOR. Mr. Hunter is a nondestructive specialist.

Mr. PATERNO. Why do we not let him answer.

Mr. HUNTER. Well, the job grading standard that they had used to identify the NDI technician's position was a quality inspection series GS–1960, which as far as I am concerned does, and still adequately describes the duties performed by all nondestructive testing inspectors.

Mr. PATERNO. What do you do, exactly? Let us explain it.

Mr. HUNTER. Well, you perform X-radiography, ultrasonic testing, magnetic particle testing, penetrant inspections, eddy current inspections; 90 percent, 95 percent of your work is done in the aerospace systems working on aerospace systems.

The new position descriptions they have given us are derived from a WG–5439 series, which is nonexistent as far as a standard goes, so the Guard Bureau, in their wisdom, has used the job rating standard of a welder, a WG–3703. The NDI man does no welding. They use the job rating standard for an electroplater, a WG–3711. The NDI man does no electroplating, and they use a job rating standard for a machine tool operator, which is a WG–3431 series, and the NDI people do no machine tool operating.

Again, the standard GS–1960 still exists. It is within the OPM series. This is the standard that should have been used. Why there has been change I have no idea.

Mr. PATERNO. I wanted to bring this one out to categorize this particular job because it is a very interesting display, and I do not know, maybe if the desert and the Navy have recently brought things to light, we have entered into a period of the technician. Now, not just because we are technicians, but that is the way of society. We now have the 2-year college courses. We have the electronic systems, the computer systems, and advanced techniques. We are going into metal fatigue and seeing whether an airplane's wings will stay on, and whether its components will stay together and work. These are not simple welder's jobs; and when we go in and categorize these people, for budgetary purposes only, as welders, or some other nonspecified working level, and fail to

READEX FICHE

recognize that this is a technical school-type attribute. It is better paid in the FAA and other places. We are not serving any real purpose toward attracting the type and caliber of people that we need to maintain. So I just wanted to bring that out.

Jack, have you got something further?

Mr. REAGOR. Yes.

The National Guard Bureau has broken their classification people down into three areas of the country. They are not around when we need them. We need a classifier in every State, or at least people that are adequately trained in classifying to assist us in writing our position descriptions and appealing. We are not given any assistance in this regard. When we write an appeal, or when we try to get our job description made accurate, it is bounced back to us. It is not even sent forward in most cases. Most people have never seen a classifier. Technicians themselves have not seen a classifier. Their job has not been evaluated as to what they are actually doing. The individuals themselves do not even receive their own position descriptions in many cases.

Mr. PATERNO. I realize that time is at a premium here, so Jack, do you think you have——

Mr. REAGOR. Well, I would like to state what we really need out of this hearing in regards to classification.

No. 1, we need all downgrading stopped. We need it stopped immediately, and we need it stopped retroactively back to January of 1979. That is when it really got rolling hard. We need accurate job descriptions, and we need job descriptions that explain what we are doing, and is a major listing of the tasks we perform, and then if we are to be downgraded, or upgraded, it should be on an individual-by-individual basis by a classifier determining what he should be in relevance to what he is actually being required to do.

Thank you, sir.

Mr. HANLEY. Thank you.

STATEMENT OF VINCENT J. PATERNO, PRESIDENT ASSOCIATION OF CIVILIAN TECHNICIANS

Mr. PATERNO. I am not going to read my statement. It is 46 pages, with exhibits, but I think I can highlight it. The arguments that I will make are nothing new to me. They have been made often over the years, but I have got to say at the opening that it is very gratifying to appear before this committee, because this committee and the chairman have done so much for the technicians over the past years. The identity of who employed us, and the retirement benefits, and holding off the antiunion legislation that was sponsored by some of the people we will be treating not so kindly today.

Now that we have come before you again, it is not purely and simply to come before you, but the fact that we are devastating a time-proven program. We have a program here that grew in 1947 from a few thousand people to one that now encompasses almost 70,000 people. It did not grow like that because it is a bad program, or a poor program. It grew like that because it was able to attract the type of people that we needed, and to accomplish the jobs that the Reserves needed to be done.

When you are working in a military environment there are people who put standards over and above performance, such as wearing uniforms in particular ways, or having military attributes, rank controlling civilian job grades, things like this. And this, again, disturbs the equilibrium of program because we do not have time, with a 10-percent force, for whitewashing rocks, and running the flags up the poles. What we have to do is keep the equipment in order, and we have done one fantastic job over the years on this. We have taken equipment cast off, practically, by the regular forces, and brought it into being, put it back in the line, put it in the air, made it run on the ground. I would think if technicians had been in the desert we would not have lost those helicopters, but this is principally why we are here. We are dealing with a program that is being ill served, as they attempt to change it into a full-time military program.

I am getting a little emotional about this because it is something that I have been with for many years. I am proud of the program, and I am proud of the people that work in it, but we are civilians who put ourselves in the position to go to war if it is needed, to be called up; and for the talents that we have we expect a little more freedom and latitude than the normal military requirement would give.

John, do you want to say a few things here?

Mr. HUNTER. Certainly.

When we got the word back on March 7, a letter from the Guard Bureau telling us that the Army Guard technicians were going to be allowed to convert their civilian positions into the active duty program, we spent quite a bit of time up on the Hill. We found out from the various members of the House Armed Services Committe that, No. 1, they were not even aware of this type of a situation. They understood that there was a test program under way. They realized that the test program was going to end on June 30, and obviously everybody was waiting to see what the outcome of this program would be. We never reached this program, and here they are allowing these technicians to convert.

Now, we had asked some of our units, our chapters, just to do some surveys. We had a survey done in Madison, Wis., on a conversion of a battalion. I do not know the actual number of people, but we converted the whole battalion from civil service positions to active duty positions on paper.

Mr. PATERNO. Forty-one.

Mr. HUNTER. Forty-one positions, at a total cost to Uncle Sam of approximately $124,000 a year increase over what the technician rate was, rate of pay.

Mr. PATERNO. For 41 people.

Mr. HUNTER. For 41 technicians.

Mr. PATERNO. We then did two more battalions which are not in our attachment which I will provide the committee, in New York, one from upstate, one from down, and the average cost of converting the present technician in the Army Guard, based on these three battalions, is better than $3,000 a person; and you are still not going to attract the people because that is the experience of the Air Force Reserve. There is something to being a civilian who is capable and willing to fight for his country that makes it an

attractive position. I do not know what the magic is. There seems to be some sort of an enigma here, but it catches on, and it works, and I do not think we can afford to destroy programs that work.

I am suspicious of the motivations of people who attack this. I remember when they wanted to use technicians as bellboys, and luggage handlers at the Americana Hotel, and we had to get a court order to cease and desist. That was in New York in 1970.

We have fought them off as they attempted to destroy unions. They talk about work stoppages. The greatest work stoppage I have heard of recently is that a State has taken the active duty personnel that they have used to replace technicians, and they are giving them 3 hours of physical training playing volleyball and softball 2 days a week. Technicians never had this. If they play softball, they play it after hours. We can ill afford this.

We have a program of people who talk and live in the community. This is a program we have to continue. I realize if you have got two stars on your shoulder, or an eagle, it looks better to have a little army around you, but what we are talking about is equipment, the maintenance of it, and whether it will stay in the air.

John.

Mr. HUNTER. Well, Mr. Chairman, I think Mr. Reagor had mentioned something before that you have to get suspect of a tremendous amount of downgrading. Within this program that has taken place within the last year, or 2 years when this test program was going on, when you have statements, we will say, from Congressman G. V. Sonny Montgomery, that the unions are taking over the National Guard, they are running the Guard, they are controlling the Guard. This is not true. This has never been true. We have had a unit in Niagara Falls back during the Vietnamese crisis. These people were called to active duty, and did an outstanding job, and I would hope for the record at a later date that we could include some of the awards that this unit did receive for their outstanding awards during that crisis. These people were organized within this union at that time.

Mr. PATERNO. And they were local. We have a unit in New Hampshire that won the SAC award for being the best unit of its type. It wears civilian clothes, by the way. We have a unit in Montana that wins the William Tell prize for shootouts regularly over the active Air Force. Jack knows about this. He belongs to that unit. We have a proud history. We do not have to be ashamed of it, but as I have said in my statement, I have to question the motivation of people who cannot see a cause relationship needed when somebody is fired; who cannot see the necessity of somebody in a civilian society protecting his rights. This is what it is all about. I can go on and write books much longer than this [displaying statement], but what it is all about, is you have one very fine group of people serving as technicians, and they do not need the abuse or treatment they are getting. They are doing their Government a good job. I am proud of them.

Thank you.

[Applause.]

Mr. HANLEY. Thank you very much, Mr. President, for your testimony, and the full text of your testimony will be recorded in

the minutes of this hearing. I commend you for its excellence. I have thumbed through it. I have not had the opportunity to read it thoroughly, but I will read it thoroughly.

I will just relate, if I might, on page 10 of your prepared statement, technicians must be members of the Reserve component they serve. Now, although title 32 of the United States Code provides that technicians cannot be separated from their positions without cause, their military membership in the Reserve can be revoked without cause.

My question is, Does this allow punitive action to be taken against technicians, regardless of whether they have civilian or military shortcomings? And if I might add, to what extent does this occur?

Mr. PATERNO. Yes, it does allow. Just a few months back we had a man named Tom Bastas, who was the president of our Montana Air Chapter, 43 years old, and they decided not to reenlist him. Every time we asked them for a reason they would not give us one, and said they did not have to, the law allows them to just dismiss this man. Now, he was a very fine technician, and a very fine guardsman. There is not a flaw in his record. We finally did get the matter rectified through the services of a ULP questioning their motives, which ended in settlement, and a lot of congressional inquiry, but this is not the way things should have to be done. There should be a cause relationship, a hearing, some place to go, some place where somebody can measure what it is about.

How do we know whether this man is being gotten rid of so they can put a nephew, or a cousin in the job; or for any other given reason, when they do not have to answer why. They are falling behind a military framework of defense.

Mr. HANLEY. What was the ultimate resolution in that particular instance you referred to?

Mr. PATERNO. We did end up with a settlement. I believe I have it in here as an exhibit.

Mr. HUNTER. The individual never lost his status, Mr. Chairman, due to a lot of congressional inquiries made by the Senate staff, and also his local legislators.

Mr. PATERNO. Finally we were able to prove to the Federal Labor Relations Authority that this was being done for motivations other than appropriate. The thing was very, very hairy. It is hard. You deal with a man's wife. "Why is this happening to him?" In this community, which is a small one, "Tom Bastas is getting kicked out." It is like the relationship of wearing uniforms, and when they come down to you one day and they say, "There has been a reorganization, you are no longer first sergeant, now you are an SFC." You go home in your uniform that night. Everybody thinks you have been demoted. There is a very touchy relationship in the whole thing, and there have been ill things, bad things that happen, but the capability of that happening is even worse because the threat is always a threat, "I can do this to you."

Mr. HUNTER. Mr. Reagor is from Montana, and I believe at the time, and I think Jack should pick it up, there were five unfair labor practices filed against the adjutant general for contract violations. Is this correct Jack?

Mr. REAGOR. That is true. In fact, it ultimately wound up being seven unfair labor practices, and they all stemmed from the fact

that although we had it negotiated that we did not have to wear the military uniform, we could wear civilian attire, the commander at that time, and the adjutant general took the attitude that technicians who elected, at their own option, in accordance with the contract to wear civilian attire were to be treated as second-class workers; that they were to be refused any promotion; that they would not go to any military schools, or any of the other good treatment that are given the technicians who elected to stay in the military uniform.

Mr. PATERNO. the settlement agreement is attachment No. 2.

Mr. HANLEY. Mr. President, can you tell the committee what are the advantages of having civilian technicians performing full-time support functions, as opposed to using active duty military personnel?

Mr. PATERNO. Well, one thing I said before, and I do not know why it happens, but it is much easier to attract qualified people in as civilian employees.

If you want to trace it in a purely management sense, there is a stability of employment within that grade function. The Army, the Navy, and the Air Force, you chose rank. It is a chase rank situation. You almost have to transfer to another site, another place; transfer to another unit to get your promotions. The civilian program allows for a stability.

Now, let us take an instance, one that I can take very easily. When I applied for my initial job in the technician program, I applied through a blind ad in the New York Times. I had just gotten out of college and needed a job very badly, and I went there, and 200 people had applied for that job. Now, my previous rank, the highest rank it had been was E-2. There were people applying for that job with ranks as high as chief warrant officer, captain, and major. I got the job, based on tests they gave us, but my pay was a civilian pay. I could afford to take the military rank that I had, an E-2, which at that time paid about $70 a month, because it was not what was paying my bread and butter. At the same time they got a far more qualified person to pay the civilian salary to, which was not so great either. It was about $2,600 a year. This happens regularly.

When Mr. Chapman started, he started as a private, but his civilian job did not start as a private. The program, by meshing, allows a flexibility in the utilization of people more appropriately. The military is a "Catch 22" circumstance, no matter how you trace it. One thing leads to another, which leads to another, which combats another.

Mr. REAGOR. The retention is much higher among the civilians than if you go with a military organization. At the unit I work at, the average mechanic has more than 15 years of aircraft maintenance experience, and there is not probably an Air Force unit in the country that has that kind of experience.

Mr. HANLEY. I see. Mr. Albosta.

Mr. ALBOSTA. Well, Mr. Chairman, I am not totally familiar with the problems that these gentlemen are referring to, but I would like to ask you a question.

Is the Army Corps of Engineers civil technicians involved in this thing?

Mr. PATERNO. I am not that familiar. I believe there are a lot of civilian employees in the Army Corps of Engineers, but they are straight Federal employees. They do not have a relationship to have to join, as far as I know. I believe that the only place that this concurrent relationship to join exists is in the Reserves, and the Guard.

Mr. ALBOSTA. Thank you, Mr. Chairman. I have no other questions.

Mr. HANLEY. Thank you, Mr. Albosta.

President Paterno, we have heard reports of commanding generals using civilian technicians and military resources for personal use. Do you have any specific information on these reports?

Mr. PATERNO. You know, it is very difficult. People can be reached in a military fashion. It has provided a lot of problems, for instance, in Pennsylvania where they did indict an adjutant general, and while it was finally reduced to a misdemeanor, the people in Pennsylvania had to testify before the FBI, and everything else. I believe, really, that one of the functioning reasons that they want everybody in the State military status is to place another functional pressure on top so the whistleblowers, and other people cannot exist. But we have not had many whistleblowers because we are not competitive employees, and I do not believe there is a real utilization of the whistleblowing statute here. We have people that have to watch out, but nevertheless, we have taken part a number of times in letting information be known, but most cases the investigations are fairly quiet, and the input the technician gives him is something between him and the FBI, or between him and the Office of Security Investigations, or something like that. We know they go on. We have not tried to delve into the secret of classified information.

Mr. HANLEY. In your judgment, would using technicians provide a more stable work force than active duty military personnel?

Mr. PATERNO. Much more.

Mr. HANLEY. Why?

Mr. PATERNO. Well, the whole experience factor is there. Again, I say it is an enigma. Why? You can go back into the 1950's when we had the air defense program, the Nike program. The Army had to turn to the Guard and make these jobs civilian technician jobs in order to get a permanent type of manning at these missile bases because the Army could not keep these people on board. You have a unique circumstance here of nontransferability. These are not people that move around the world. These are not people that go from State to State, and base to base. These are people who may be hired in the city of Rome, and stay in the city of Rome for 30, or 35 years of their employment. The military advantages to any promotion program are limited, however, they seem to accept a stable—even though it is a nongrowing—civilian grade. I do not know why, but they do.

We have very fine men, for instance, in Rome, N.Y., Mr. Paul O'Brien, who has stayed there since 1948, and he is only a GS-7. I have often wondered why he did not move up, but they have been lucky to have him.

Mr. HANLEY. Do you feel the presence of unions in the civilian population of the Reserve components interferes with proper military disciplines and control?

Mr. HUNTER. None whatsoever, sir. In fact, I would believe that if you take the civilian technician on a day-to-day basis, and he is in his civilian attire, let us say, and it has been negotiated as such, and part of the contract, when he puts on the military attire the 2 days a month that he is in this military status, or the 15 days, I think it is not the routine situation of just coming in, putting the fatigues on, and doing a job. Now he knows he is now in a military status. The individual normally gets the haircut for the weekend, and performs in his military job. Now, we have many people who actually go from different sections. They may not even be in the same section.

The law calls for compatible military positions. Obviously in the Army, I do not know what the percentages are, but there may be 60 percent of these people holding noncompatible military positions; but if these people did move out into military status, and perform this job, I think they realize they are in this military status on that day. I think you would find the rank connotation. It is no longer John, and Bill, and Sam. Now, there is a rank. There is a Captain and Major. There is very little of this goes on during the week. It is first-name basis, and it does carry over; and I am sure in the fight crews in the Air Guard, this has been a disadvantage on their stand evaluation inspections when the Air Force comes in, because in that cockpit invariably it could be Jim, John, Sam, and they do not want this on a flight crew. They want it by rank, and what the position is, and I definitely feel that, No. 1, it does not hamper the program, it would enhance it if you had the unions during the week, you are able to collectively bargain, and on the weekends you became a military member and you knew you were a military member by donning that military uniform. I think it would enhance it courtesywise, every way.

Mr. PATERNO. By the way, I have never heard an employer yet who believed that unions did not interfere with his rights.

Mr. HANLEY. Mr. Albosta.

Mr. ALBOSTA. Mr. Chairman, I do not have anything.

Mr. HANLEY. Well, President Paterno, Mr. Hunter, Mr. Reagor, again, on behalf of the committee I want to express our appreciation for your presentation here this morning. We have enjoyed a long association, and I have never ceased to be impressed with the integrity of your presentations, and I can only say, and I have said this many times, that your membership is indeed well served through your stewardship.

Mr. PATERNO. I would like to say the country has been well served by your stewardship.

Mr. HANLEY. You are very kind to put it that way. Thank you very much.

[The prepared statements of Mr. Reagor and Mr. Paterno follow:]

STATEMENT OF JACK H. REAGOR, VICE PRESIDENT,
ASSOCIATION OF CIVILIAN TECHNICIANS, INC.

Mr. Chairman and members of the Committee, we appreciate your interest in the problems of the full time employees of the National Guard. These employees are known as technicians. I am here not only as a vice president of a union that represents technicians, but also as a technician, and I have first hand knowledge of the adverse affects of some of the policies now being enforced by the National Guard Bureau. I believe these policies are not only adverse to the individual but to the overall mission accomplishment as well.

The subject that I will speak about today is not confined to one or two bargaining units but effect many technicians in the majority of our bargaining units and in most cases, the subject matter is excluded from the process of collective bargaining as a means of resolvement, in that it deals with wages and classification. I spoke to this committee shortly after technicians became federal employees, concerning the classification problems and massive proposed downgrading. The committee was somewhat successful in preventing it from happening all at once, however it has continued to occur at a slow cancerous pace. The equipment is more complex, the technology is greater, the day to day mission is harder to accomplish and yet the grades of the workers are dropping. And if this isn't bad enough, the methods by which technicians are downgraded, we feel, are not in accordance with applicable laws and regulations. This is what I would like to discuss in detail.

1. In most instances technicians are downgraded without a position classifier performing a desk audit or survey of the technician being effected. The Guard Bureau uses a system of one (1) written position description being applicable to all technicians holding that type of job. We can agree that a group of workers such as typists in a typing pool would have the same job description, but the Guard has many units, in different locations, with different equipment, and different mission requirements. To say that an aircraft mechanic that works on supersonic fighters should have the same position description as a mechanic that works on tanker type aircraft is not going to provide an accurate description for classification to grade by. Further, different managers break the work loads down differently and consequently, using the same position description may overgrade some and undergrade others. The National Guard Bureau has divided their entire classification staff into three (3) locations or sites. (Eastern, Central and Western.) It has been our experience, that when a classifier visits an installation, which is usually less than once a year, it is for less than one week and in many cases most of the workers are never consulted or allowed to make any input to the classifier. When evaluations are performed and it is determined that a position deserves to be lowered, all technicians throughout the country holding that job are then lowered in grade. Technicians have attemped to get individual descriptions that are accurate but in most cases are unable to do so. First, the supervisor is of little or no assistance. Next, the state technician personnel officer is reluctant to send anything forward. In this regard we have assisted several technicians in writing accurate position descriptions and forwarded them to a technician personnel officer. He has not sent them to any classification office as yet and they have been in his possession for more than six (6) months. I have been advised that others are sent back to the technician with no advice or reason, time and again. The technician gets no help in this regard from anyone but the union in most cases since supervisors and managers are not trained in any part of the classification

process and classifiers are not even located in the state or at the installations.

2. Classification appeals are a procedure authorized by the agency and the Office of Personnel Management to rectify unjust classification instances but are discouraged by National Guard classification. The Chief of Western Classification advised managers and supervisors of the unit to which I am assigned that he would be the one to get the appeal and that he would not overturn himself. If this is really the attitude why should anyone appeal?

3. Many of the units that we represent have technicians downgraded more than once a year. The Guard Bureau acknowledges this. (See Exhibit 1.) We are told that the reason for reclassification and downgrading is to bring the position into its proper grade, but twice in one year? Most of the positions being downgraded have not changed duties nor has the standards changed by which the position is classified. In fact, the worker does the exact same job as he has always done. Exhibits 2 and 3 are position descriptions for technicians that are assigned shop responsibilities, limited supervision responsibilities and worker responsibilities. Please note that the grade of the worker is the same as the shop chiefs. How can this be realistic classification? We recently had to represent a shop chief in this category who had been given an unsatisfactory work performance rating because his subordinate was not performing to managements desires. They are both the same grade, WG-11. (Incidentally, the worker was rated satisfactory on his performance rating.) In our opinion, if additional responsibility is allocated by either local management or higher authority it should be credited and graded above the work level! This is clearly within the intent of the Office of Personnel Management as it is stated at the beginning of each wage standard.

4. The implementation and administration of this whole downgrading business is a mess. Please look at Exhibit 1 again. Note that Paragraph 1 and 2 state that the first downgrade dates were either 16 May 78 or 13 Nov 78, when a letter was published by the National Guard Bureau. This established the effective date.

65-444 O - 80 - 2

Next, the way to determine the effective date according to Paragraph 2 is to use block 21 of the position description, which is the date it is signed by the National Guard Bureau. Next, Paragraph 3 says implementation will be by January 1980 when all material has been received. The truth of the matter is that all material has not been received as of now and that in some states it has been implemented and some have not. But the point is, that there can only be one effective date and one means to determine that date and that should be in the form of a written notice, to the individual, at a given date, after he receives the notice. The systems offered by the National Guard Bureau letter would take away a good portion of the two years save grade as guaranteed by provision of the Civil Service Reform Act. As for using the date that the National Guard Bureau signs the position description we find totally unacceptable because many technicians are not provided with a copy of their position description and individuals are not necessarily notified for months after the description is signed of any downgrade action.

See block 21 of Exhibit 2 and 4. They are signed and dated on the same day and yet the incumbents of this position are the same individual since being downgraded from WG-12 to WG-11 to WG-10.

Whenever anyone desires to appeal a position, according to the Federal Personnel Manual, they may do so. But each time a technicinn is downgraded, a notice is given stating they have only 15 days in which to appeal. See Exhibits 5 and 6. This again shows the National Guard Bureau's intent to discourage appeals.

5. Many of those effected in the last two to three years are employees known as small shop chiefs. These technicians are expected to run a shop specialty operation such as sheet metal, aircraft egress, fuel, welding and many others. Besides having to do the work and being the most knowledgeable of their field, they may have one or two subordinates and also the responsibility to train the guardsmen in the career field. The Office

of Personnel Management recognized this and put out a letter and guideline on the grading of these positions to the National Guard Bureau. A good part of the downgrades do not reflect the use of these guidelines. This comes about because of one description being used for all. So while one sheet metal shop chief should be a WG-11 another should be a WG-12 by the outlined criteria but instead they are all WG-10's. I will be happy to expand on this at your request.

The National Guard Bureau tells us there are as many upgrades as there are downgrades and that it balances out. This is not justification for downgrading anyone. Grading must not be budgetary but rather assure fair rating for all employees.

Mr. Chairman, we need this problem of classification corrected. We need it stopped until it is done in accordance with the Office of Personnel Management's directive, the standards and the law. We need at least one classifier in each state. We need accurate individual position descriptions and each technician should be provided a copy of the description.

Thank you for your interest and all that you have done for technicians.

STATEMENT OF

VINCENT J. PATERNO

PRESIDENT OF THE

ASSOCIATION OF CIVILIAN TECHNICIANS

Mr. Chairman and Members:

It is continually gratifying to me to appear before the Post Office and Civil Service Committee, always knowing that this body listens well to the problems of the Civil Service employees and works hard to gain equitable responses to their needs. It is no new relationship for me, after two decades of leadership of our union, to plead the case of National Guard Technicians before this chairman and committee. We have gained much in the way of identity, retirement benefits, and union support from this full committee and the Congress. Now we must come before you again, before ill thoughtout plans and poorly motivated parties destroy a program long found responsive to our nation's defense.

My own experience has been continually with the technician program since 1950. Twenty years of full time technician performance (ten years concurrent with union leadership) and ten years as full time union President here in the Washington area give me no little background in militia support. Nor does my active and National Guard service that ended in 1974, following a heart attack, serve less. During all of this time I have had dealings with Pentagon leaders, State Adjutants General, and commanders at all levels, as well as having had military service requirements with division to section responsibilities. My experience with Guardsmen, both

non-technicians and technicians, is extensive. It is as a believer in the militia system, and with a full understanding of the need for a national reserve, that I come before you. I seek in no way to do the Guard or Reserves harm but, rather, to insure their continuance, knowing full well that a healthy technician program is vital to our national defense.

Those in charge, faced with a continuing "no draft" enviornment, look desparately to excuses for falling strength and have lately decided that their only "real" strength, the technician program, needs be changed. And yet, almost each and every technician is a member available for training and mobilization. How can changing their status mean anything except the loss of experience? How can losing their link to the civilian community attract civilians to serve part time? Is it not just a simple attempt to rearrange the cards you have been dealt as if this will produce higher cards in your hand?

But even as I speak here I give them nobler motivations than my experience has indicated they deserve. There are those among the Adjutants General and military leaders who suffer simple lack of understanding and the naivety that endorses simple answers to complex problems. But there are those in the lead who can variously be named as evil, ill motivated, selfish, or potentially culpable. It is these that blame civilian leadership, civil service rules, unions, and the lack of a military society for any disposition that would require

their diminishment of comfort or need to assume responsibility.

Following the passage of the "National Guard Technician Act of 1968", (and I remember with pride, being given the pen from Chairman Hanley which was used by President Johnson to sign the bill into law), my role as President of ACT became more comfortable as it related to National Guard leadership. I was even named a delegate to the National Guard Association Convention in 1969 and 1970. However, when the 1970 NGAUS convention was to be held at the Americana Hotel in New York City, and remembering similar circumstances in Mobile, Alabama in 1969, I made certain objections to the Deputy Assistant Secretary of Defense about the use of federal employees to support a private organization. When promises of action wore out and few days were left to stop technicians from being used as drivers, luggage handlers, and general aides to all and sundry members of the Association and their guests, a request for a stay was filed in the Federal Court. Only then did the Guard Bureau and DOD respond, stopping the illegal use of federal employees and funds by NGAUS. I was a delegate and attended that convention. During one session I stood and challenged Major General Greenlief, then Assistant Chief of the National Guard Bureau and now Executive Vice President of the National Guard Association, for having made what I concluded were anti-union remarks as a speaker in an official capacity and in violation of the Executive Order.

Since then the attitude of the Guard Bureau, the Adjutants General, and the National Guard Association, has been less than co-operative. I, of course, have never been named a delegate again.

We have never had a strike. We have used legal procedures under Executive Order and law. On the other side, however, some states act like J. P. Stevens. Their interest in destroying the technician program motivates not at all from any useful purpose. What they really want is a work force that will be subject to appointments and promotions of relatives, friends or sycophants. They want chauffeurs, bartenders, errand boys, and no merit or fitness requirements. And, of course, no grievance machinery or whistle-blowers.

We technicians are a proud lot. We have performed so well in the decades of our being that we will not suffer silence or abuse if we, our fellow workers, or our nation, is treated less than fairly. If that is wrong then I have led my Association improperly and have brought up my own children wrongly.

A short summary of the technician program, its' history and associated problems follows:

National Guard Readiness in Jeopardy as Technician Progam is Attacked

A strong and capable 50,000 strength element of our national defense

is being threatened with programs that could serve to destroy our Army and Air Force National Guard ability to respond and operate.

Since 1947 the National Guard Technician force has, as a full time force of civilian employees, kept the administration and equipment maintenance of our prime reserve force as ready and functional as strength levels and equipment availability would allow. With and without draft imperatives to provide adequate military reserve manpower, their 50,000 member force has labored mightily and well to keep the Guard equipped and available. Better than 90% of this employee force has served in dual status, as part time military members and as full time federal employees. Inspections after inspections have proven only that active duty counterpart personnel, operating in the same administrative and maintenance of equipment functions, are not as stable, economical, experienced, or capable as these civilian technicians. Operating as only a little over a ten percent element of the entire personnel structure, they maintain aircraft, ground equipment, electronics, clerical requirements, logistic and supply elements, weapons maintenance and guidance systems maintenance to levels above army divisions and equivalent to air bases. There are those who might think that the active forces provide them with a high degree of day-to-day support. Let them understand that in administration, the product is complete and reports generate to the National Guard Bureau in the Pentagon. In maintenance, the Guard directly proceeds to depot level. The support of Guard units form

army areas or air operational commands are basically for inspections and limited operational control and does not include direct support. This force of 50,000 full time civilians, in providing ongoing support, is probably unmatched in terms of limited personnel and total accomplishments anywhere in the federal service - military or civilian.

The General Accounting office has frequently commented or reported that one answer to military manpower shortages would be to hire civilian employees in support jobs. It is an approach the technician program anticipated decades ago, only making reserve membership at first a desirable attribute and only later an obligatory one in many instances. It seems that a flexible approach would be most desirable since normal active duty retirement begins at twenty years, much too early a time to retire civilian employees of a federal work force and reserve retirement pay cannot, by law, start until age 60.

In these days that we worry about the capability or our reserve and defense forces it makes no sense at all to deprive the Guard of the services of a well trained and capable group of Guardsmen/Civilian employees and create situations that reduce morale and effectiveness. All of us have heard of the weaknesses in retention of trained military personnel. Why then throw or force trained senior personnel out by creating changes in a program that has effectively demonstrated an ability to operate superbly over decades? It must be why so many say that there is a right way, a wrong way, and the military way.

The Attack on Guard Employees

The attack on the National Guard employee has generated in many directions. Let us name just some.

1. Downgrading - In this process, the civilian positions of many lower graded employees, predominantly in the journeyman level and particularly in the aircraft maintenance field, have been progressively lowered. The upward mobility of the employee structure has stagnated, as a result men and woman are now contemplating change. Too, the downgradings are not valid in the sense of proper application of standards and are changing classifications that, utilizing appropriate standards, have been established for years. The whole process has become erratic, with some journeymen maintaining grade and others losing grade, despite identical job requirements. Job descriptions are written without distinct reference to actual performance and frequently read as a laundry list of any possible duty. The result has been disturbed employee morale and inefficient management. It can only be assumed that journeymen positions, mostly occupied by enlisted part time guardsmen, are being reduced, not by appropriate classification procedures, but in a budgetary attempt to divert fiscal resources to high level supervisors and managers - a breed that continually grows and produces no increase in performance.

Too, it is felt by many that managerial personnel are disturbed because wages for skilled tradesmen exceeds or matches that of managers. No

rationale exists in the mind of men with no great requirement of training, to become supervisors and managers that skilled trades require years of training and technical discipline.

Downgradings are also being fostered to create openings for active duty personnel assignments even though the criteria for their appointments do not reach standards of training and education needed in the civilian appointment. Employees seeking job descriptions and standards are lied to by personnel and told that they are available to file appeals when no copies exist at working installations. The instructions going out are based upon erroneous facts and given deadlines of fifteen days for appeal that cannot be reached. It is a sick program run by inadequate personnel that are using the classification law for budgetary constraints and program destruction in the hopes that all 50,000 civilian employees will be forced out and replaced by inadequate military recruits and much higher paid military officers. It is a boondoggle in poor management and will only lead to ill functioning aircraft and deadlined combat equipment.

3. Military Test Program - An ongoing program that seeks to replace civilian employee/guardsmen with active duty personnel. This serves no purpose since it will not attract superior journeymen and will reduce the capacity for maintenance and administrative support to much lower levels and lead to great additional numbers to accomplish the work load. Since the civilian employees in question are members

of the National Guard, there is no gain in mobilization readiness and, in fact, the loss of well trained journeymen will lead to mobilization incompetence. The active duty military test program has only been designed to carry officers at much higher pay in place of civilian employee/officer counterparts who would only receive the larger pay upon mobilization. It is a bad idea at a bad time to play whimsical games that can only lead to political and personal patronage of the worst order.

We agree that it is an enigma that full-time civilian employees provide the basic mobilization background and that it is in the area of military assignments that weakness develops. The test program, if bought, will only reduce reserve and guard performance. This is not a concept that will improve readiness.

3. Early Age Military Force Out - With excessively age dominated standards for military personnel in the area of retention, the Pentagon has issued rules that serve little rational purpose and deprive the Guard and Reserves of personnel, almost all in administrative and maintenance jobs, long before their usefulness has been diminished. The civilian employees/guardsmen are required to hold their military position to continue in employment. If, as an aircraft mechanic or administrative technician, you can only rise to an E-6 or E-7 position, your civilian career ends long before normal retirement age. It is frequently not easy to gain military promotions because the geographic limitations on military and civilian careers requires an uncommon restriction on

movement and transfer. The military, with its age and physical standards emanating from active duty retirement programs, frequently retire men and woman as early as the late thirties or early forties in age, with immediate retirement. In the Guard, an employee/guardsman receives no such largess. The small military pension requires reaching age 60 before there can be a collection, regardless at what age the military career ends. The civil service retirement requires a minimum of age 50, and then diminishes retirement monies severely for each year under age 55. The rules for active duty personnel and civilian employee/guardsmen cannot correlate under law.

4. Termination of Civilian Employees/Guardsmen Without Cause -

The most insidious methods of terminating the National Guard civilian employee are used when they are boarded out (no reason need be given) as military members, failed to be reenlisted (no cause need be given), or terminated militarily through sundry methods such as military physicals, weight standards, or displacement through assignment or reorganization as military members. Because military membership is required for continuance as an employee, a loss of military membership leads to automatic termination and although USC 32, Section 709, requires that there be cause for loss of technician employment, the loss of military membership, without due process, requires no reason be given.

It is becoming commonplace for civilian supervisors to threaten their civilian employees with loss of military membership despite the fact that no military shortcoming has been addressed. This is serious because the two careers, while sometimes compatible in types of duties, frequently clash as the civilian employees inspect or review military equipment use for abuses or shortcomings and are required to audit or review personnel and financial accounting or procedures. Too, the full time federally paid employee is frequently lower in military rank and is often considered the "fall guy" for inadequate performances by senior military personnel. It is obvious that a ten percent allocation of full time employees cannot do everything, but they are usually blamed for anything that goes wrong, whether it is in their job description and assigned duties or not. To employees doing their duty, it is frequently a "Catch 22" circumstance. Senior employees are frequently the most insecure since their jobs are attractive to officers who have friends or relatives that can be placed in these "excepted" jobs that do not require full scale civil service merit procedures. Because these jobs are principally in maintenance and administrative areas, except for a limited number of flight crew personnel, it is not essential to gage them under combat standards as if they were charging up hills against the enemy. The tenure of military and civilian employment should run to at least age sixty unless the disabling nature of their medical problems would interfere with their job performance. Any other method is wasteful of talent and experience and serves no purpose other than meeting standards that serve no purpose

other than just being standards.

Civilian employees who devote decades of service as both military and civil servants under provisions of federal law do not deserve lesser treatment than normal. These employees, willing to respond in war and serve in peace, should be accommodated by a system that is not served by arbitrary and capricious requirements. It is probably true that those who give the most receive the least, but it should not be so.

We ask that the National Guard Technicians, employed in all fifty states, the District of Columbia, Puerto Rico, and the Virgin Islands be recognized as an important and vital extension of the federal interest in maintaining strong reserves and that their circumstances of employment be protected, in the national interest, from the unwarranted intrusions of arbitrary and capricious action. But most of all, we request that this force of people, giving of themselves the dual role of militiaman and civil servant in times of war and peace, be recognized as valuable, dignified, patriots whose personal response deserves the thanks and rewards of the society they defend. They do not deserve the treatment many are receiving.

Conclusion

We are attaching to this statement various exhibits of interest:

1. Surveys of cost factors that prove a changeover to active duty status would prove far more expensive;

2. A settlement agreement arrived at in Montana where the local

union president and various members of the bargaining unit were abused because of the contract and their roles as union members;

3. A recent FLRA decision on negotiability that extends unlimited rights to management when applying a Reduction in Force action to any civilian employee based upon non-appealable ratings as a part-time military member;

4. Copies of correspondence from the National Guard Bureau on the Military Test Program and ACT's reply;

5. An extract of the proposed budget for FY81 as it relates to technicians and military replacements for them;

6. An extract of the statement by the Reserve Officers Association on Air Reserve Technicians before Senate Armed Services Committee this year.

The subject before this Committee is so large and varied that I can only ask that its investigation be provided such other committees that may have a germane interest. I feel the results will justify our concern for the healthy continuance of the technician program.

I could not be more proud of the group of men and women I represent, nor more concerned that they be recognized for their full worth under any circumstances. The portion of my life spent serving them has served my nation as well. They need public notice of their service and legal protections for their future. Those that would abuse them or play

games with our national defense by jeopardizing this fine program of national service need rebuke. In fact, the active service might look to the technician program as an example to fill their vacancies in skilled positions.

Do your best to support the militia. Preserve and foster the technician program.

NOTE.--The attachments referred to follow. Attachment 5 not printed.

65-444 O - 80 - 3

ATTACHMENT I

ARNG POSITIONS - SUPPORT BATTALION - PNO - ADP - CLASS IX SECTIONS

CIV GRADE/STEP		ANN SALARY	MIL GRADE/YRS		ANN SALARY/ALL	MIL PAY INCREASE/DECREASE	
GS 9	7	18455.85	CW4	26	27572.55	+	9116.70
GS 8	10	18089.43	CW4	26	27572.55	+	9483.12
GS 8	9	17584.37	CW3	24	23064.80	+	5480.43
GS 8	8	16887.43	CW2	22	20854.92	+	3967.49
GS 8	6	16150.31	CW2	15	18691.32	+	2541.01
GS 6	3	11931.33	E-7	12	15980.40	+	4049.07
GS 6	7	13184.17	E-7	31	18939.60	+	5755.43
GS 6	6	12795.43	CW2	20	22199.72	+	9404.29
GS 5	2	10628.46	E-5	4	9502.84	-	1125.62
GS 3	10	10549.22	O-1	6	15318.12	+	4768.90
GS 8	5	15453.37	CW2	22	20854.92	+	5401.55
WG 5	3	12816.08	E-5	9	12726.00	-	90.08
WG 5	3	12816.08	E-5	8	12726.00	-	90.08
WG 5	3	12816.08	E-6	10	14180.40	+	1364.32
GS 6	5	12406.69	E-6	8	13820.40	+	1413.71
					TOTALS:	+62746.02	-1305.78

ARNG POSITIONS - SUPPORT BATTALION - ADMINISTRATIVE

CIV GRADE/STEP		ANN SALARY	MIL GRADE/YRS		ANN SALARY/ALL	MIL PAY INCREASE/DECREASE	
GS 10	7	20132.20	O-4	20	29577.72	+ 9445.52	
GS 9	2	15568.62	O-2	9	19915.32	+ 4346.63	
GS 6	2	11240.47	E-7	11	15627.60	+ 4387.13	
GS 7	4	13442.71	WO1	14	17269.32	+ 3826.61	
GS 5	7	11929.34	E-6	4	12150.00	+ 220.66	
GS 5	1	10185.59	E-5	5	11019.60	+ 834.01	
GS 6	1	10851.73	E-5	7	12376.80	+ 1525.07	
GS 7	3	13011.19	E-6	7	13474.80	+ 463.61	
GS 7	1	12679.85	E-5	6	11545.20	-	1134.65
GS 7	10	16031.83	CW2	24	20854.92	+ 4823.09	
GS 5	2	10534.34	E-6	6	12488.40	+ 1954.06	
GS 7	3	13011.19	E-7	16	16855.20	+ 3844.01	
GS 7	1	12148.20	E-5	5	11851.20	-	296.95
					TOTALS:	+35670.40	-1431.60

ARMG POSITIONS - SUPPORT BATTALION - ORGANIZATIONAL MAINTENANCE SHOP

CIV GRADE/STEP		ANN SALARY	MIL GRADE/YRS		ANN SALARY/ALL	MIL PAY INCREASE/DECREASE	
WS 8	5	20263.52	CWA	26	27572.52	+ 7309.00	
WL 9	5	17265.20	E-7	26	19994.40	+ 2729.20	
WG 9	5	15620.96	CWA	26	27572.52	+ 11951.56	
WG 9	5	15620.96	E-7	14	16509.60	+ 888.64	
WG 9	5	15620.96	E-7	16	16855.20	+ 1234.24	
WG 9	5	15620.96	E-7	26	19994.40	+ 4373.44	
WG 9	5	15620.96	E-7	22	18259.20	+ 2638.24	
WG 9	5	15520.96	E-6	10	14180.40	-	1440.56
WG 9	5	15620.96	E-6	18	15562.80	-	58.16
WG 8	1	12893.46	E-5	8	12726.00	-	167.46
WG 8	2	13473.78	E-5	4	11851.20	-	1622.58
GS 6	1	10851.73	E-4	2	10364.40	-	487.33
GS 6	1	10851.73	E-5	8	12949.20	+ 2097.47	
					TOTALS:	+33221.79	-3776.09

ATTACHMENT 2

FEDERAL LABOR RELATIONS AUTHORITY

SERVICE SHEET

CASE NO. 7-CA-4, 7-CA-5, 7-CA-6
7-CA-33, 7-CA-117 and
61-4247(CA)

In the matter of Montana National Guard
Respondent

and

Montana Chapter Association of Civilian Technicians #29; Association of Civilian Technicians, Inc., Rockville, Maryland and Montana Chapter of Civilian Technicians, Thomas G. Bastas; and Montana Chapter Association of Civilian Technicians; Montana Army Chapter of Civilian Technicians; National Association of Civilian Technicians

Copy of SETTLEMENT AGREEMENT & NOTICE TO EMPLOYEES
(Type of Document)

Dated February 22, 1980, **sent to the following:**

D. Patrick McKittrick, Attorney
315 Davidson Building
8 Third Street North
P. O. Box 1184
Great Falls, Montana 59403
Certified Mail # 5639870

Mr. James Harper, Attorney
HQ USAF/CLLO
Randolph Air Force Base
San Antonio, Texas 78148
Certified Mail # 5639869

Mr. Vincent J. Paterno, President
Association of Civilian Technicians
348A Hungerford Court
Rockville, Maryland 20850
Certified Mail # 5639866

Mr. Thomas G. Bastas
Chief Spokesman
Montana Association of Civilian Technicians
1000 Park Garden Road
Great Falls, Montana 59404
Certified Mail # 5639867

Federal Labor Relations Authority
Office of Administrative Law Judges
Chief Administrative Law Judge John H. Fenton
1111 - 20th Street, N.W. - Suite 416
Washington, D. C. 20036
Certified Mail # 5639868

UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
KANSAS CITY REGIONAL OFFICE
CITY CENTER SQUARE, SUITE 600
1100 MAIN STREET
KANSAS CITY, MISSOURI 64105

February 22, 1980

James Harper, Attorney
HQ USAF/CLLO
Randolph Air Force Base
San Antonio, Texas 78148

Re: Montana National Guard
Case Nos. 7-CA-4, 7-CA-5, 7-CA-6, 7-CA-33,
7-CA-117 and 61-4247(CA)

Dear Mr. Harper:

Enclosed herewith is a copy of the settlement agreement and Notice To All Employees approved by the undersigned in the above-entitled matter.

Inasmuch as the charging party is not a party to the settlement agreement in the above-entitled matter, performance of the terms and provisions of this agreement shall not commence until you have been notified that no review has been requested or that the General Counsel has sustained the Regional Director. Upon such notification, you are requested to post copies of the enclosed Notice in conspicuous places, including all places where notices to employees are customarily posted. In duplicating the enclosed Notice for posting, please note that it must be dated and signed by you. Additional forms will be furnished upon request.

Please notify the Regional Director, within five (5) days from the date of commencement of posting, of the steps taken to comply with the provisions of the agreement. At the time of such notification, a signed and dated copy of the Notice should be submitted. Upon expiration of the 60-day posting period, written notification regarding compliance with this requirement should again be submitted to the undersigned.

Please direct all other communications and any requests for assistance or information to the staff member named below.

Sincerely,

/s/ Gordon E. Brewer

Gordon E. Brewer
Regional Director

FEDERAL LABOR RELATIONS AUTHORITY

KANSAS CITY REGIONAL OFFICE
CITY CENTER SQUARE, SUITE 680
1100 MAIN STREET
KANSAS CITY, MISSOURI 64105

February 22, 1980

Mr. D. Patrick McKittrick
Attorney at Law
315 Davidson Building
8 Third Street North
P. O. Box 1184
Great Falls, Montana 59403

Re: Montana National Guard Unfair Labor Practices
Case Nos. 7-CA-4, 7-CA-5, 7-CA-6, 7-CA-33
7-CA-117, 61-4247(CA)

Dear Mr. McKittrick:

Enclosed herewith is a copy of the settlement agreement and Notice to Employees approved by the undersigned in the above-entitled matter. A copy of my letter to the respondent regarding compliance with the terms of the settlement agreement is enclosed for your information. In view of the undertakings agreed to by the agency, I am refusing to proceed further in this matter.

Pursuant to Section 2423.10(c) of the Rules and Regulations of the Authority, you may obtain a review of this decision not to proceed further in this matter by filing an appeal with the General Counsel. A copy of the appeal shall also be filed with this office. In addition, you should notify all other parties of the fact that this action has been taken.

Such appeal must contain a complete statement setting forth the facts and reasons upon which it is based and must be received by the General Counsel of the Federal Labor Relations Authority, Room N5657, 200 Constitution Avenue, N.W., Washington, D.C. 20216, not later than the close of business March 24, 1980.

Sincerely,

Gordon E. Brewer

Gordon E. Brewer
Regional Director

UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY

MONTANA NATIONAL GUARD
Respondent

and

MONTANA CHAPTER ASSOCIATION OF CIVILIAN TECHNICIANS NO. 29; ASSOCIATION OF CIVILIAN TECHNICIANS, INC., ROCKVILLE, MARYLAND, MONTANA CHAPTER OF CIVILIAN TECHNICIANS: THOMAS G. BASTAS; MONTANA CHAPTER, ASSOCIATION OF CIVILIAN TECHNICIANS: MONTANA ARMY CHAPTER, ASSOCIATION OF CIVILIAN TECHNICIANS: Charging Parties & Co-Complainants

CASE NO. 7-CA-4, 7-CA-5, 7-CA-6, 7-CA-33, 7-CA-117, and 61-4247(CA)

SETTLEMENT AGREEMENT (AGENCY RESPONDENT)

The undersigned Agency and the undersigned Charging Party in settlement of the above matter, and subject to the approval of the Regional Director on behalf of the Federal Labor Relations Authority, HEREBY AGREE AS FOLLOWS:

POSTING OF NOTICE—The Agency will post copies of the Notice To All Employees, attached hereto and made a part hereof, on conspicuous places, including all bulletin boards and other places where notices to employees are customarily posted, for a period of at least sixty (60) days form the date of posting.

OTHER ACTION TO BE TAKEN— As required on Notice to Employees

COMPLIANCE WITH NOTICE—The Agency will comply with all the terms and provisions of said Notice.

REFUSAL TO ISSUE COMPLAINT—In the event the Charging Party fails or refuses to become a party to this Agreement, then, if the Regional Director in his discretion believes it will effectuate the policies of Chapter 71 of Title 5 of the U.S.C., he shall decline to issue a Complaint herein and this Agreement shall be between the Agency and the undersigned Regional Director. A review of such action may be obtained pursuant to Section 2423.19(b) of the Regulations of the Federal Labor Relations Authority if a request for review is filed within ten(10) days thereof. This Agreement is contingent upon the General Counsel sustaining the Regional Director's action in the event of review. Approval of this Agreement by the Regional Director shall constitute withdrawal of any Complaint(s) and Notice of Hearing heretofore issued in this case.

PERFORMANCE—Performance by the Agency of the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director or, in the event the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Agency of advice that no review has been requested or that the General Counsel has sustained the Regional Director.

NOTIFICATION OF COMPLIANCE—The undersigned (party) (parties) to this Agreement will notify the Regional Director in writing what steps the Agency has taken to comply herewith. Such notification shall be made within five (5) days, and again after sixty (60) days, from the date of the approval of this Agreement, or, in the event the Charging Party does not enter into this Agreement, after the receipt of advice that no review has been requested or that the General Counsel has sustained the Regional Director.

COMPLIANCE WITH SETTLEMENT AGREEMENT—Contingent upon compliance with the terms and provisions hereof, no further action shall be taken in the above case.

Montana National Guard
(Agency)

John J. Monack
The Adjutant General — 19 Feb 80
(Type or Print Name and Title) (Date)

(Signature)

(Charging Party)

By: _____ _____
(Type or Print Name and Title) (Date)

(Signature)

Approved: Feb 22, 1980
(Date)

By: Gordon E. Brewer
Regional Director

NOTICE TO ALL EMPLOYEES

PURSUANT TO

A DETERMINATION BY THE REGIONAL DIRECTOR OF
THE KANSAS CITY REGION OF THE
FEDERAL LABOR RELATIONS AUTHORITY

AND IN ORDER TO EFFECTUATE THE POLICIES OF

CHAPTER 71 OF TITLE 5 OF THE

UNITED STATES CODE

FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS

WE HEREBY NOTIFY OUR EMPLOYEES THAT:

After an investigation in which both sides had an opportunity to present evidence, the Regional Director of the Kansas City Region of the Federal Labor Relations Authority has determined that the Montana National Guard has violated the law in the respects described below. In order to settle the Charges filed against us, we have agreed to take the following actions:

WE WILL NOT interfere with, restrain or coerce employees of the Montana Air and Montana Army National Guard Technicians Force in the exercise of their rights assured by Executive Order 11491, as amended, and Chapter 71 of Title 5 of the United States Code. WE WILL ABIDE by the law as set forth in those documents.

WE WILL NOT process dues deduction revocations in any manner other than that described in collective bargaining agreements between the Adjutant General, State of Montana, and the Montana Air and Army Chapters of the Association of Civilian Technicians, Inc., a labor organization herein called the Union.

WE WILL NOT discriminate against employees who elect to wear agreed-upon standard civilian attire rather than the military uniform, which option is a right guaranteed under the collective bargaining agreement. WE WILL NOT suggest, urge, counsel or threaten employees that joining the Union, or remaining a member will or might result in discrimination in connection with hiring, tenure, promotion or other conditions of employment. WE WILL NOT discriminate against employees by giving them lower performance ratings because they elected to wear civilian attire, and will change the performance rating of each employee who so elected to the rating given in the previous rating period-upon that employee's individual request, to be made no later than six weeks following final approval including any appeal taken of this settlement agreement. The ratings subject to this procedure refer only to the first rating given after June 23, 1978, and not subsequent ratings. WE WILL NOT refuse or delay payment of cash awards for employee suggestions, refuse to permit from performing their range of job duties, including assignments to off-base locations, runups and test flights, because of their choice of negotiated attire. WE WILL permit employees wearing civilian attire to change from that attire into the military attire to perform specific job functions such as test flights. WE WILL NOT inform employees, through vacancy announcements, or in any other fashion contrary to law, that the preference of the Guard is for military attire. WE WILL NOT discriminatorily discipline employees who chose that civilian option, and WE WILL RESCIND the verbal reprimand issued to two technicians for allegedly leaving the duty site.

WE HAVE INSTRUCTED supervisors not to engage in attempts to dissuade employees from exercising the contractual and statutory rights described above, and WE WILL take appropriate measures as set forth in the collective bargaining agreement in the event said individuals again violate the law.

WE WILL NOT interfere with, restrain or coerce employees who file charges under Executive Order 11491, as amended, or Chapter 71 of Title 5 of the United States Code, or who engage in settlement negotiations pursuant to filing charges or otherwise engage in union activity. All employees have a right under federal law to file charges with the Federal Labor Relations Authority without fear of threats or reprisals. WE WILL NOT threathen the Union President, Tom Bastas, or other Union officials, stewards, or other designated representatives, or any other employees, that their employment with the Montana National Guard will be terminated, denied or shortened because of the exercise of the above rights. All instructions to the contrary currently in the personnel file of Tom Bastas or any such other employee will be removed therefrom. Employees will be separated from employment with the Montana National Guard only for lawful reasons in accordance with applicable laws and regulations.

WE WILL NOT in any other manner interfere with, restrain or coerce employees in the exercise of their rights guaranteed by the Executive Order and Chapter 71 of Title 5 of the U.S. Code.

3 FLRA No. 8 ATTACHMENT 3

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL LABOR RELATIONS AUTHORITY
WASHINGTON, D.C.

ASSOCIATION OF CIVILIAN TECHNICIANS,
PENNSYLVANIA STATE COUNCIL

(Union)

and

Case No. 0-NC-50

THE ADJUTANT GENERAL, DEPARTMENT OF
MILITARY AFFAIRS, COMMONWEALTH OF
PENNSYLVANIA

(Activity)

DECISION ON NEGOTIABILITY ISSUES

This case comes before the Federal Labor Relations Authority (the Authority) pursuant to section 7105 (a)(2)(D) and (E) of the Federal Service Labor-Management Relations Statute (5 U.S.C. § 7101 et seq.).

Union Proposal

6. Retention Register Standing

a. Excepted Service - Retention standing of a technician is determined by the combined cumulative totals of the annual technician performance rating NGB Form 2, prepared in accordance with TPP 902, and the appraisal by the immediate military supervisor NGB Form 331-2, prepared at the same time. Military appraisals will be completed at the time of a RIF only for those technicians who do not have a current military appraisal in their Official Personnel Folders. The weighted value of the annual Technician Performance Rating will be as follows:

Satisfactory - 25 to 40 points
Excellent - 50 to 65 points
Outstanding - 75 to 90 points

c. An appeal of the military appraisal will be as follows:

(1) If a technician is not satisfied with his military appraisal, he may appeal to the immediate military supervisor of his rater. This second level supervisor will gather all facts and render a decision within 15 days of request.

(2) If the technician is still not satisfied, he may appeal to the next level military supervisor. This supervisor will gather all facts and render a decision within 15 days of request.

(3) If the technician remains dissatisfied, the next step will be the next level military supervisor. This supervisor will gather all facts and render a decision within 15 days of the request.

(4) If the technician remains dissatisfied he may then appeal to the Adjutant General who will gather all facts and render a decision within 15 days of the request.

Question Here Before the Authority

The question is whether the union's proposal is within the agency's duty to bargain under the Statute or, as alleged by the agency, is outside the obligation to bargain.

Opinion

Conclusion: (1) Paragraph (a) of the proposal is within the duty to bargain under the Statute. (2) The second part of the proposal, paragraph (e), is outside the duty to bargain under the Statute. Accordingly, pursuant to section 2424.10 of the Authority's Rules and Regulations (45 Fed. Reg. 3482 et seq. (1980)), the agency's allegation that the union's proposal is outside the duty to bargain is sustained in part and set aside in part.

Reasons: (1) The union's proposal set forth above involves the reduction in force (RIF) procedures for National Guard technicians 1/ established by National Guard Bureau (NGB) regulations. 2/ The agency alleges that its duty

1/ National Guard technicians are employed pursuant to the National Guard Technicians Act of 1968, 32 U.S.C. § 709 (1970), in full-time civilian positions to administer and train the National Guard and to maintain and repair the supplies issued to the National Guard or the armed forces. Such technicians must, as a condition of their civilian employment under the Act, become and remain members of the National Guard (i.e., in a military capacity) and hold the military grade specified for the technician position pursuant to 32 U.S.C. § 709(b) and (a).

2/ The NGB regulation, Technician Personnel Manual (TPM) 351, provides in essence that RIF retention standing is based on a composite measurement of technician performance and related military performance. Insofar as pertinent to paragraph (a) of the union's proposal, TPM 351 provides that a technician whose annual performance rating is "satisfactory" will receive 25 points, while a technician rated "excellent" will receive 50 points and one rated "outstanding" will receive 75 points.

to bargain in good faith does not extend to paragraph (a) of the union's proposal inasmuch as a "compelling need" exists within the meaning of section 7117(a)(2) of the Statute 3/ and Part 2424 of the Authority's Rules and Regulations 4/ for the NGB regulation (TPM 351) concerning RIF procedures for National Guard technicians. The union contends, on the other hand, that nothing in paragraph (a) of its proposal conflicts with the NGB regulation for which a compelling need exists, but that paragraph (a) ". . . merely gives more latitude to the technician supervisor by expanding the point range of each class of performance rating." 5/ For the reasons stated below, the Authority concludes that paragraph (a) is within the duty to bargain under the Statute.

The National Guard Technicians Act of 1968, as previously indicated, contains the authority for the employment of National Guard technicians. The Act provides further that RIF actions involving National Guard technicians are to be accomplished by the adjutants general of the respective jurisdictions concerned subject to the regulations of the appropriate military service

3/ Section 7117(a)(2) of the Statute (92 Stat. 1205) provides as follows:

> (a)(2) The duty to bargain in good faith shall, to the extent not inconsistent with Federal law or any Government-wide rule or regulation, extend to matters which are the subject of any agency rule or regulation referred to in paragraph (3) of this subsection only if the Authority has determined under subsection (b) of this section that no compelling need (as determined under regulations prescribed by the Authority) exists for the rule or regulation.

4/ The criteria for determining compelling need for agency rules and regulations are contained in section 2424.11 of the Authority's Rules and Regulations (43 Fed. Reg. 3313 (1980)). It appears that the agency principally relies on section 2424.11(c), which provides that a compelling need exists for an agency rule or regulation concerning any condition of employment when:

> (c) The rule or regulation implements a mandate to the agency or primary national subdivision under law or other outside authority, which implementation is essentially nondiscretionary in nature.

5/ While the proposal is entitled "Retention Register Standing" and paragraph (a) thereof refers to "retention standing," it is clear from the record before the Authority that the union intended (and the agency construed) paragraph (a) to address only technicians' retention ratings (determined by combining the point totals from the annual technician and military performance appraisals) rather than their retention standing (which involves placing technicians, according to their relative retention rating, in one of three descending tenure groups based upon whether their status is "career/permanent," "temporary/probationary," or "indefinite"). Therefore, the proposal is construed in a manner consistent with the parties' mutual understanding.

secretary. 6/ Additionally, it requires that, as far as practicable, such regulations should apply uniformly to both Army and Air Force National Guard technicians. 7/ Other sections of the Act mandate that National Guard technicians be excepted from the application of veterans' preference and from the application of RIF procedures developed by the Civil Service Commission (now the Office of Personnel Management) which apply veterans' preference. 8/ Moreover, the Act requires technicians to maintain military membership in the National Guard and hold the military grade specified for their technician position as a condition of continued technician employment. 9/

6/ 32 U.S.C. § 709 (e) provides in relevant part as follows:

(e) Notwithstanding any other provision of law and under regulations prescribed by the Secretary concerned—

. . . . .

(4) a reduction in force, removal, or an adverse action involving discharge from technician employment, suspension, furlough without pay, or reduction in rank or compensation shall be accomplished by the adjutant general of the jurisdiction concerned;

. . . . .

7/ Section 10 of the National Guard Technicians Act of 1968 provides:

Regulations prescribed by the Secretary of the Army and the Secretary of the Air Force under this Act shall be approved by the Secretary of Defense and shall, so far as practicable, be uniform.

8/ 32 U.S.C. § 709(f) provides:

(f) Section 2108, 3502, 7511 and 7512 of title 5 United States Code, [establishing entitlement to veterans' preference and effect of such entitlement in RIF and adverse actions] do not apply to any person employed under this section.

9/ 32 U.S.C. § 709(b) provides in relevant part as follows:

[A] technician . . . shall, while so employed, be a member of the National Guard and hold the military grade specified by the Secretary concerned for that position.

32 U.S.C. § 709(e) provides in relevant part as follows:

. . . . .

(1) a technician who is employed in a position in which National Guard membership is required as a condition of employment and who is separated from the National Guard or ceases to hold the military grade specified for his position . . . shall be promptly separated from his technician employment by the adjutant general of the jurisdiction concerned[.]

The NGB, acting on behalf of the Secretary of the Army and the Secretary of the Air Force, promulgated the RIF regulations involved herein, implementing these statutory mandates. That is, as relevant to this dispute, to implement the statutory mandate that technicians maintain military membership in the National Guard and hold the military grades specified for their technician positions, even in a RIF situation, the regulations require technician RIF displacement rights within and across competitive levels to be based on a measurement of both civilian technician and military job performance. In short, the NGB regulations implement in an essentially nondiscretionary manner the statutory mandate that technicians maintain military membership in the National Guard and hold the military grade specified for their technician positions, and therefore a compelling need exists within the meaning of section 7117(a)(2) of the Statute and section 2424.11(c) of the Authority's Rules for the NGB regulation so as to bar negotiations on conflicting union proposals.

In the instant case, however, nothing in paragraph (a) of the union's proposal would conflict with any part of the NGB regulation which implements the nondiscretionary statutory mandate that technicians must maintain military membership in the National Guard and hold the military grade specified for their technician positions as a condition of continued technician employment. That is, while the National Guard Technicians Act of 1968 requires both civilian and related military performance to be considered as part of a technician's overall evaluation, nothing in the language or legislative history thereof specifies what relative weight must be accorded to each appraisal. The proposal at issue herein would require technician supervisors to rate each technician as either "satisfactory," "excellent" or "outstanding," as required by the NGB regulation (supra note 2), but would permit more accuracy and precision by establishing a range of points rather than a specific point value for each category. Since the range for each category would start with the point value contained in the NGB regulation and extend no higher than the point value specified therein for the next higher category, there is at least the potential for a technician's civilian rating to acquire slightly greater weight relative to his or her military appraisal so long as the weight attributed to the military appraisal remained unchanged. However, nothing in the proposal would interfere with management's right to establish point ranges for military appraisals or otherwise alter the weight thereof, to determine which technicians to retain in a RIF or sanction the retention of any technician unqualified to hold the corresponding military grade for such position. Accordingly, it is concluded that paragraph (a) of the proposal is within the duty to bargain under the Statute. 10/

(2) However, it is concluded that paragraph (c) of the proposal is outside the duty to bargain under the Statute. As set forth above, paragraph (c) would establish a procedure for a technician to appeal from an appraisal of his military performance rendered by his military supervisor. That is, it would permit a technician dissatisfied with his military appraisal to appeal that appraisal through four levels of military personnel culminating with the Adjutant General. While National Guard technicians are required by law (supra n. 9) to maintain military status in the National Guard as a condition of their civilian technician employment relationship (which relationship is, of course,

10/ In so concluding, however, the Authority makes no judgment as to the merits of the proposal.

subject to the Statute), the military relationship itself is not covered by the Statute but is totally mandated by law. Therefore, inasmuch as paragraph (c) of the union's proposal concerns a matter in connection with the military aspects of technician employment for members of the bargaining unit, it concerns a subject which is not a "condition of employment" within the meaning of section 7103(a)(14) of the Statute 11/ and accordingly is outside the duty to bargain under the Statute. 12/

Issued, Washington, D.C., April 14, 1980

Ronald W. Haughton, Chairman

Henry B. Frazier III, Member

Leon B. Applewhaite, Member

FEDERAL LABOR RELATIONS AUTHORITY 13/

11/ Section 7103(a)(14) of the Statute (92 Stat. 1192) provides in pertinent part:

> (14) "conditions of employment" means personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, affecting working conditions, except that such term does not include policies, practices, and matters—
>
> . . . .
>
> (c) to the extent such matters are specifically provided for by Federal statute[.]

12/ The exclusion of "matters . . . specifically provided for by Federal statute" (such as the military relationship of National Guard technicians in the instant case) from the definition of "conditions of employment," which exclusion originated in section 7103(a)(14)(C) of the House committee bill (H.R. 11280), was described in the House committee report as "removed from the obligation to bargain." See H.R. REP No. 95-1403, 95th Cong., 2d Sess. 41 (1978). See also the statements of Congressman Clay of Missouri and Congressman Ford of Michigan, proponents of the House bill, at 124 CONG. REC. H 9638 and 9650 (daily ed. Sept. 13, 1978), respectively.

13/ In reaching the foregoing conclusions, the Authority fully considered the agency's statement of position filed pursuant to section 7117(c)(3) of the Statute and section 2424.6 of the Authority's Rules and Regulations. Contrary to the union's contentions, such statement of position was filed within 30 days of the union's completion of its petition for review herein and was therefore timely.

ATTACHMENT 4

DEPARTMENTS OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
WASHINGTON, D.C. 20310

NGB-TNL

Mr. Vincent J. Paterno
President, Association of
Civilian Technicians
348 A Hungerford Court
Rockville, Maryland 20850

Dear Mr. Paterno:

In accordance with the National Consultation Rights granted your organization by the Chief, National Guard Bureau, under the provisions of 5 USC 7113, you are hereby advised that due to resource limitations certain changes in our technician program are necessary if we are to ensure adequate funding for the Army National Guard technician program and attainment of our technician end strength.

As you are aware, commencing with the CFTM program, Army National Guard technician hire was frozen. We are now forced to take steps to separate all on-board temporary Army National Guard technicians, except those whose salary is fully reimburseable. Also, it is essential, that in order to generate additional funds to cover part of the shortage, technician positions be converted to CFTM at a earlier rate then originally scheduled.

States will be given the authority to convert those CFTM allocations not already accomplished by identifying technician positions for conversion and then permitting incumbents to convert their status, voluntarily, provided military grade inversion does not occur. States will also be encouraged to convert the highest technician graded positions. Technicians who are eligible for Civil Service retirement will be prohibited from participating in this program. We are inclosing a pamphlet, on which we had previously consulted, which covers the procedures and benefits involved in this conversion.

As the alternative options to these steps would have included Furlough Without Pay for all technicians or a major Reduction in Force in the Army National Guard, it was felt that this was the fairest approach to the problem.

As the target date for accomplishment of all conversions is 15 April 1980, we would appreciate your views and comments no later than 20 March 1980.

Sincerely,

WAYNE A. ROBERTSON
Chief
Technician Personnel

1 Incl
As stated

ASSOCIATION OF CIVILIAN TECHNICIANS

President
VINCENT J. PATERNO
848A Hungerford Court
Rockville, MD 20850

Secretary
DONALD E. BEAN
819 Doyleson Ave.
Endwell, N.Y. 13760

March 18, 1980

Mr. Wayne A. Robertson
Chief, Office of Technician Personnel
National Guard Bureau
Washington, D.C. 20310

Re: NGB-TNL Consultation
Letter of March 7, 1980:
Army National Guard,
Adequate Funding & CFTM

Dear Mr. Robertson:

In reply to your letter concerning Army National Guard technician hire conversion dated March 7, 1980, received under National Cosultation Rights pursuant to 5 USC 7113, it must be stated at the outset that your date for accomplishment of all conversions, April 15, 1980, and your suspense date of March 20th, as well as guidance already provided to management in the field on or about March 5, 1980, is not consultation but an announcement of what you are already doing. This is not in keeping with law, congressional guidelines, nor functional guidance in establishing a test program that would provide measurement for future determinations.

The FY 1981 budget projections that call for a further reduction of permanent technician positions from 25,498 to 22,918 indicate that you have predetermined the results of the CFTM test program without adhereing to the legal dictates of the Appropriations Act and that any nature of legitimate testing is beyond your predetermined intentions. It should be noted in reference to permanent positions in the Department of Army that the Army National Guard

65-444 O - 80 - 4

technician cut amounts to 2,580 positions as against an entire loss in the Department of Army of 2,008 positions, indicating that other branches will gain. (See pages 274 and 1018 of the Budget Appendix, House Document No. 96-247.)

The very fact that temporary technicians were hired, or continued, indicates that the military test program has failed to attract entry level personnel and, as an end result, will lead to a failure of the program, since any program must continue to exist from entry to senior level. However, the technician program needs no proof to establish its ability to survive and expand, nor does it suffer by mobilization capacity since almost all positions concerned require National Guard membership.

The Budget further reveals that active duty personnel projections will have increased from 3,178 in FY79 to 10,159 in FY81. Again, this request is based upon the assumption that the test program had been reviewed as successful. Congressional limitations and guidance were to end this program on June 30, 1980, followed by a prepared study for completion by December 1980 with a review for all parties concerned.

In a letter received in at least one state on March 5, 1980, it is claimed that "unprecedented wage grade increases" and " the uncontrollable grade creep of general schedule employees" has caused these new requirements. I find this hard to believe in light of the appropriations act limitations and presidential reductions of pay comparability. The Budget establishes no grade creep whatsoever from 1980 to 1981, with an average grade of 7.43 in each year and only an increase from 7.42 to 7.43 from FY79 to FY80. We admit that only your advice to your managers made these claims - to us you stated inadequate funding. We believe, of course without any detailed or specific information from your office, and based upon present Presidential Budget figures, that there may be a mistake or you have spent money outside appropriations act guidelines. Normally, budget projections are not matters of consultation, however, adverse affects and personnel changes are. Suspicion that your use of appropriations to destroy existing permanent positions, or predetermine test results, must happen when your information to us is so limited and guarded.

Based upon your consultation letter, in which you threaten a major reduction in force or furlough without pay, your actions in this matter

can hardly be taken in a generous or kindly sense as you illustrate no effort to gain funds to continue employees in place, despite the fact that you agree the slots are needed, military or not.

ACT, or at least its' President, has no reputation with you of agreeing with your approach to National Consultation. It may be true that you suspect our approach, as we do yours, but it is felt strongly by ACT that you rarely enter into a discussion or consultation without previous program decisions that do not change, regardless of advice given. This climate rewards neither party. We believe that our views are as significant to the good of the nation and the National Guard as yours. This is not a management preogative.

ACT, in its' deliberations, constituting broad level advice from thousands of guardsmen and technicians, has determined that the replacement of 5,804 permanent technicians with 6,981 state active duty personnel will gain no benefit to the National Guard performance level. It will add future costs of a probable prohibitive nature if it continues to pyramid; reduce effectiveness; add no functional mobilization positions; attract entry level personnel of little better category than the regular army now achieves; destroy morale; continue only older and higher ranked personnel with a limited long time potential; and have only one guided interest that serves no national interest as it destroys technician representation. If, indeed, your motivation exceeds the latter goal, it has not been illustrated in your testimony to date - nor that of your congressional spokesman. As you establish in your own printed guidelines, active duty personnel below the grade of E-7 will require no experience or pre-entry status. Technicians have always had to comply with experience and schooling standards for appointment. If rank can keep a tank moving, or a plane flying, no study has yet revealed it.

This acceleration of the military test program that would allow conversion in place with broad pay differential (i. e., E-7 to CW-4 for property book operation) will create military rank inversions that cannot fail to lead to a selection process that defies the best qualified alternatives. It would further create a category of higher paid personnel that now operate in a GS-7 to 9 range and defy equity to individuals performing similar work. The very statement that higher level personnel are sought will create excessive budgetary costs and might lead to ultimate elimination of present programs by a cost minded Congress and Executive. There are those in ACT who feel that this

approach will lead to political patronage and a "welfare approach for unemployed, high graded, National Guard officers and enlisted men". This last statement is said in complete honesty and can be related to personnel management aberrations that have ocurred. Quality and experience have fallen before military standards in hundreds of cases. No operation, civilian or military, can afford the deprivation of experience and quality without loss of mission effectivness. The active services have long practiced selection processes that impede reduced manpower effectiveness. The full-time technician support program is not, nor ever has been, manned to the degree that a frivilous exercise in manpower appointments can be afforded.

The Air Force Reserve, in rejecting the full time military approach, did it on the basis of a realistic test and have concluded that the resource talent available to the technician program, and not in full-time military application, have achieved combat readiness. The purported failures inherent in the Army Guard program have never been laid upon the technician program. Only inadequate leadership that needs a target of excuse would even seek to debilitate a successful, if undermanned, technician program. If the Guard Bureau and DOD chiefs would research the fundementals and not attempt to destroy organizations such as ours, they would do the nation and its defense a much superior service.

Because we relate your efforts as inadequate to even appropriations guidelines we must proclaim our complete dissatisfaction with the aims proposed in your letter. We call for its immediate cessation and ask that full-fact documentation in a full study application take place. Let us not foul the nest of our support program and expect more than failure.

This response is also a request for all test documentation and figures to date and in expectation. In such a large scale movement true consultation is needed from those, such as ourselves, both capable and desirous of participation

Sincerely,

Vincent J. Paterno
President, ACT

ATTACHMENT 6

Statement of

Major General J. Milnor Roberts, AUS (Ret.)

Executive Director

Reserve Officers Association of the United States

Before the

Senate Armed Services Committee

Subcommittee on Manpower and Personnel

Military Strength Authorizations for Fiscal Year 1981

Air Reserve Technicians

The FY 1979 DoD Appropriations Act directed the Air Force Reserve and other Reserve components to convert a number of technicians to full-time military spaces to evaluate the ability of the Reserve components to "attract and hire" qualified personnel in an active duty status. The

test was to include a wide range of skills and to determine if there were any economic benefits to be derived from having active duty Reservists provide the full-time support.

The FY 1979 Appropriations bill only required the Air Force Reserve to convert 68 positions during FY 1979. However, DoD subsequently directed the number of spaces be expanded to convert 161 positions in FY 1980, and the House Appropriations Committee approved funding these 161 additional military positions. The Committee additionally stipulated that the test should terminate on June 30, 1980 and that DoD submit an evaluation of the test program by December 30, 1980.

The USAFR started the FY 1979 test at Homestead AFB, Florida and Grissom AFB, Indiana. It intentionally restricted the test to these two units, as they were converting to new airdraft and had sufficient vacancies in a wide range of skills and grades. The positions identified for conversion represented a cross-section of the entire USAFR technician force and personnel turbulence among technicians personnel could be controlled. It was also felt that this approach would provide for closer management and be beneficial for planning future USAFR conversions if necessary.

The FY 1979 test experience has not been successful. Fifty of the spaces were still vacant at the end of 1979 and applications had been received for only thirty of the positions. The majority of the positions vacant were in skill areas requiring the most technical expertise and among the most critical to mission accomplishment. Ironically,

qualified personnel were on hand who wanted employment as technicians and who could have been hired to fill those vacancies but they would not be in military status. The two test units have been able to maintain their combat readiness despite these vacancies through support from the base and the hard work of the technician personnel already in the unit.

For over 20 years the Air Force technician program has been the principal means by which the Air Force Reserve has been able to maintain the combat readiness of its units. This readiness has been one of the principal reasons that our country has been able to place an increasing share of the missions in the Air Reserve Forces. ROA is especially concerned that the test and the uncertainty it has produced, will cause many of our skilled enlisted technicians to find other stable employment, thus reducing the combat capability of these units.

We recognize that the Army Reserve and Army National Guard have special problems, different from the Air Force Reserve, and we, in no way, want to comment on the solutions to their problems. However, we do not feel that the solutions to their problems should be forced on the Air Force Reserve, which has clearly demonstrated its ability to deliver fully manned combat ready units.

Mr. Chairman, the Reserve Officers Association remains convinced that the present technician program for the Air Force Reserve is the most effective, efficient and economical method of providing full-time support for Air Force Reserve units and we are opposed to any changes which will jeopardize their future combat capability.

Mr. ALBOSTA [presiding]. Mr. Kenneth T. Blaylock will be our next witness. He is president of the American Federation of Government Employees.

You can begin your testimony, Mr. Blaylock.

STATEMENT OF KENNETH T. BLAYLOCK, PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, ACCOMPANIED BY JOHN ESPOSITO, REPRESENTING LOCAL 1900; JERRY BRYANT, REPRESENTING THE PRESIDENT OF LOCAL 2739, THE RESERVE TECHNICIANS IN THE 77TH ARCOM, NEW YORK STATE, AND THE 78TH ARCOM STATE OF NEW JERSEY

Mr. BLAYLOCK. We appreciate that, Mr. Chairman, and I have with me this morning on my left, Mr. John Esposito, representing Local 1900 in the 94th ARCOM up in the New England States, and he will have also a brief statement for the panel this morning; and I have Jerry Bryant, the president of Local 2739 representing the Reserve technicians in the 77th ARCOM, New York State and the 78th ARCOM State of New Jersey.

The American Federation of Government Employees is pleased to have this opportunity to appear before the Subcommittee on Investigations of the House Committee on Post Office and Civil Service and to testify on the military conversion test program for the civilian technician force in the National Guard and Reserves.

Of the 700,000 Federal employees represented by AFGE, approximately half are employed in or under the Department of Defense, and our union has joined with the AFL–CIO in traditionally backing a strong and vigorous national defense. We at AFGE are proud of the contribution made by our members to the development and maintenance of the combat-ready Armed Forces. Civilian technicians, many of them represented by AFGE, perform a vital role in insuring that America is able to meet its security commitments. Both the conversion test program itself, and the apparent eagerness of certain elements in the Department of Defense to bias the results of the test endanger the readiness of the reserve components of our armed services. We would like to outline the background of the civilian technicians in the Guard and the Reserves, and then summarize both the claimed deficiencies giving rise to the conversion test program and the actual methods the Army Reserve, in particular, is using to implement that program.

Of the seven reserve components, four have a civilian technician program. These are the Army National Guard, the Air National Guard, the Army Reserve, and the Air Force Reserve. There is no civilian technician program in the Navy, Marine Corps, or Coast Guard Reserves. Civilian technicians commonly perform maintenance, training, and administrative functions while in civilian pay, according to either the general schedule or wage grade systems, and receive military pay when they train with their units on weekends or in the field.

The modern use of civilian technicians in the Army and Air National Guard dates from World War II era when these personnel were considered neither State nor Federal employees. In 1968 the National Guard Technicians Act made such technicians Federal employees in the excepted service while leaving them under the day-to-day control of State authorities. All of the civilian techni-

cians in the Guard are dual-status, that is, they meet both the civilian qualifications for their positions and the military requirements, such as age and physical condition, for the active duty mobilization. If a Guard technician fails to meet the military requirements, he forfeits his civilian job as well. National Guard units, staffed with technicians, have frequently proven themselves in head-to-head competition with regular Army and Air Force units, the latter composed obviously of all military personnel. Moreover, readiness inspections undertaken at the Guard units in all States generally attest to the satisfactory condition maintained by the dual status forces.

The Air Force Reserve technician program was established in 1958 following 3 years of negotiations between the Civil Service Commission and the Department of the Air Force. The Air Force anticipated substantial benefits from the creation of a civilian technician program and initiated the discussion which led to the creation of the Air Force Reserve Technician—ART—program. In 1970, the ART program was revised by the Civil Service Commission following consultations with the Department of Defense and exclusive representatives including AFGE. The revision culminated in an internal Civil Service FPM Supplement 930–72, recognizing that the civilian technician performed necessary functions that simply could not be accomplished by assigning military personnel during their regularly scheduled training rotations.

Seventy-five percent of the Air Reserve technicians perform aircraft maintenance, and the Air Reserve program demonstrates what a technician program can accomplish when it is not completely hindered by mismanagement. ART technicians are fully qualified from the day they are hired, unlike military status technicians who most frequently have to be trained from the bottom up. Civilian technicians have an average of 11 to 12 years of experience, unlike the usual 4 to 6 year maximum for military status technicians. Thus, it was little surprise that during the 1979 hearings the House Armed Services Subcommittee on Military Personnel heard the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, and Installations testify, and I quote:

> For over 20 years, the Air Force's dual-status technician program has been the principal means by which the Air Force has been able to maintain reserve forces at levels of readiness and proficiency that rival the active force; and the principal reason we have been able to place an increasing share of the total force mission in the reserve forces.

The Chief of the Air Force Reserve similarly testified, and I quote again:

> One of the main reasons we have been so successful in maintaining readiness in the Air Force Reserve is our Air Reserve technician (ART) program. The high skill level of this technician force, coupled with the stability of these employees, are two factors critical to sustaining our operational readiness.

One of the most attractive features of the ART program lies in the dual civilian-military status which enhances the readiness of Reserve units for mobilization and combat by assuring that fully trained and experienced technicians will be available at the regularly scheduled training assemblies in a Reserve military status which parallels their civilian position. The dual status also insures that these technicians will be able to be moved with their Reserve unit in the event of mobilization, thereby increasing the effective-

ness of technicians who supervise subordinate elements of the unit to which they are assigned. The dual status also increases the stability and maintenance of high skill levels in the important functions performed by the technicians.

The Army Reserve also has an ART program in which dual status civilian technicians perform the same kinds of functions in support of ground forces as do their ART counterparts in the Air Force Reserve. The Army ART program is also operated under a memorandum of understanding between the Department and the Civil Service Commission. Unfortunately, management officials in the Army program have been unable to function up to the Air Force standards, and civilian technicians in the Army Reserve are sometime blamed for situations reflecting nothing else so much as poor management.

For example, certain involuntary conditions, such as age or physical condition, may arise which make a technician ineligible for mobilization with his unit. Unlike National Guard technicians, ART technicians are in the competitive service and do not automatically forfeit their civilian jobs if they no longer qualify for military status.

An ART technician who no longer meets the military standard lapses into a status-quo condition in which he continues to perform the civilian functions while being relieved of his military duties. In the Air Force Reserve, management has eliminated the status-quo technician as a mobilization problem by use of a priority placement program. In other words, they use the priority placement system of the civil service personnel system, and place these individuals who no longer meet the military qualifications in other civilian jobs where they would not have a mobilization requirement.

Consequently, less than 2 percent of Air Force ART positions are held by status quo technicians. In the Army, however, an estimated 20 percent of the positions are so staffed. The General Accounting Office has concluded that this disparity is due, in part, to the more effective management of the Air Force Reserve technician program. GAO also cited ineffective management as the cause of the misassignment by the Army Reserve of 26 percent of its civilian technicians. These technicians are employed by one Reserve unit but assigned to another, a situation created by Reserve management that could severely disrupt mobilization. In the event of active duty, where does the technician go, with his assigned unit or the unit he works with? Again, both the National Guard and the Air Force Reserve avoid the misassignment problem, a situation affecting one-third more technicians than the status-quo problem does.

The basic problem in the Army Reserve is that management has proven unable to provide the incentives and work force to get the job done, whether by rotating military status personnel through technician positions or by its half-hearted commitment to the civilian technician program.

The mismanagement in the Army ART program has created a situation which contrasts sharply with Defense management's own views of the Air Force ART program. In the 1972 report on evaluary prepared by the U.S. Air Force and the Department of Defense, Maj. Gen. Gwyn H. Robinson concluded, and I quote:

The effectiveness of the ART program is unquestioned. Almost 9,000 military personnel were released for other assignments. Numerous civilian jobs were created which had not previously existed. The responsiveness of the Reserve program to emergencies and its readiness in the event of mobilization has vastly increased. Today the Air Force Reserve units are truly a "Ready Now" force, as numerous calls since implementation of the ART programs has proved. The technicians provided the stability in training, administration, and management to permit a recall in an orderly manner. Transition from Reserve status to active duty was accomplished in record time.

The Air Force Reserve's appreciation of its civilian technician program has continued, and the Air Force Reserve has resisted participation in the conversion program. The Army Reserve, on the other hand, has looked at conversion as a cure-all for mismanagement that leaves unsolved such basic issues as the status quo and the misassigned technician. The Army Reserve's eagerness to avoid the real issue of mismanagement is underscored by the way in which the Army conversion test program failed to address what the Army charged were the severe problems in using dual status technicians which, according to the Army, required the conversion program in the first place.

The principal deficiency alleged to exist in the civilian technician program lies in what the Army Reserve has labeled its "questionable mobilization assets" resulting from a surplus of status-quo technicians and the so-called aging technician work force. In effect, the Army Reserve urged that a test program be undertaken in order to demonstrate that it could fill the technician position with highly qualified personnel who were also in top physical condition and drawn from the prime age group of 18 to 30 years of age for military status. In fact, however, the Army Reserve appears to have failed utterly in meeting its claims.

The purported concern about the aging work force was always suspect because an aging work force is one byproduct of retaining experienced personnel. The only work force which does not age is one riddled with constant turnover. Recognizing this, the Army Reserve sought to convince civilian technicians to switch to military status, thereby preserving their skills and experience while avoiding the cost and disruption of training new personnel. Changing the pay status of a tehnician, however, does not reduce his age or slow down the aging process. Obviously, if age were really the concern, the Army would never have even contemplated a simple conversion solution. However, the test program appears to have failed in attracting large numbers of dual-status technicians. Even in drawing from outside the technician ranks to fill the test positions, the Army Reserve has failed to meet its claims of qualified youthful applicants.

For example, in the 94th U.S. Army Reserve Command, covering the five New England States, 41 technician positions were filled under the military status test program. Only seven of these new technicians were in the prime age group, 30 or younger. Fourteen technicians were over 40 years old. It seems probable, therefore, that the aging work force problem is not being solve by the test program, especially when several of the personnel selected to fill test slots nationwide receive retirement from some other source. In one case, a technician position was even filled with a person on disability retirement.

The Army Reserve appears to have failed in drawing qualified recruits from the prime age group, and instead has used personnel who are generally less qualified and experienced than their civilian counterparts while coming, nonetheless, from the same or even older age groups. On the other hand, both the Guard and the Air Force ART programs have proven able to utilize highly experienced dual-status technicians without their age or experience creating a questionable mobilization asset. Judged by the Army Reserve's own standard, that of drawing qualified personnel from the prime age group, the military conversion test appears to have failed.

Another concern was the cost of wage grade technicians. The other principal rationale of the Army for instituting the conversion program was that wage grade salaries of technicians were too costly, and the program should see if military personnel could perform the position duties at less expense. Again, using the 94th ARCOM as an example, it is clear that the Army is not carrying out any effective comparison test of the cost of wage-grade versus military personnel. Of the 41 positions filled under the test program, not one was a wage-grade slot, even though some 23 wage grade positions were posted in the 94th ARCOM since October of 1978.

Estimates provided by our local representatives in the 94th ARCOM suggest that even discounting many of the military fringe benefits, most of the military technicians under the test program cost the Government more than the dual-status technician because the military ranks are frequently higher. Unfortunately, this greater expense to the taxpayer most often accompanies a decrease in the skills and experience available to the Government.

As the chairman of the AFL–CIO committee concerned with selective service registration and the draft, I am aware of the manpower problems associated with the all-Volunteer Army, and we have supported efforts to alleviate these problems. I am also aware of the difficulty in persuading some people that the military has really given the all-Volunteer Army a fair chance to succeed. In the conversion program, the Army Reserve seeks to take people from its military status personnel, who themselves are below their required strength, and use those people to perform duties in positions that could quite readily be performed by more experienced, better qualified, and less expensive dual-status civilian technicians. This action invites questions such as,"Does the Army Reserve have extra military personnel, or does it have an excess of funds?" This action fosters a climate of opinion which makes it difficult to address the genuine problem which both the Reserves and the Regular Armed Forces have.

In conclusion, AFGE believes that the civilian technician program in the National Guard and the Reserves continues to play a crucial rule in maintaining the military preparedness of our Armed Forces. These technicians provide high-quality service and add the stability necessary to the effective transition from reserve to active-duty status required in case of mobilization. We believe that the civilian technician program increases mobilization readiness as demonstrated by the frequent readiness awards given to Army and Air National Guard units and the Air Force ART units.

Certain officials in the Department of Defense, however, appear determined to jeopardize the technician program for their own purposes. The conversion test program itself has already proven disruptive because it has frequently forced prolonged vacancies and eliminated the natural opportunities for advancement through the ranks which otherwise would have existed. Now, these officials appear to be prejudging the results of the test program in order to work toward their goal of eliminating the civilian dual status technicians regardless of how valuable they are to our national defense. These officials endanger more than the technican program, however.

Consequently, the American Federation of Government Employees urges the Congress, one, to prevent all conversions to military status until the results of the test program have been finalized, and analyzed; two, to require the Department of Defense to undertake all possible efforts to relieve the personnel burden on the all-Volunteer Armed Forces by the use of special programs, such as that for civilian technicians, which attract military qualified personnel who might not otherwise contribute to meeting defense manpower requirements.

We have focused our remarks on the Army ART program because the pressure for changing dual status technicians seems to come from the Army Reserve. We have stressed how whatever deficiencies may exist are not caused by the dual status of the technicians. Similarly, many of these deficiencies result from larger problems outside the scope of these hearings, and it is important to remember the larger picture. I am submitting a letter from a retired colonel in the Army Reserve. Many of his observations ring true.

It is unfair to expect the Army Reserve to provide 50 percent of the Nation's mobilization resources with only 5 percent of the military budget. It is unfair to subject dedicated technicians to the career uncertainties of the excepted service. And it is also unfair to view the status quo technician as solely a liability. With years of experience, the status quo technician can provide a sense of continuity in the U.S. Army Reserve units where the average turnover is 33 percent per year. The years of investment in their skills and knowledge serve our country even if the technicians are unavailable for mobilization. In keeping its commitment to a strong national defense, AFGE is determined to explore all avenues for improving the readiness of the Army Reserve.

That concludes my remarks, Mr. Chairman. John Esposito has a statement for the record that fills in some of the meat from the field level around some of the general statements that I have made.

STATEMENT OF JOHN ESPOSITO, PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 1900

Mr. ESPOSITO. Mr. Chairman, my name is John Esposito, and I am an Army Reserve technician with the 94th U.S. Army Command in Boston, Mass. I am also president of AFGE Local 1900, which represents the Federal civilian workforce throughout the five New England States. Today I testify not only on their behalf, but also on the behalf of the dual-status technicians in AFGE Local

2739 of the 77th USARCOM, AFGE Local 3742 of the 98th Division training, as well as AFGE Local 3001, which represents personnel of the Air National Guard, the 145th Tactical Airlift Command. In short, today I speak for all Reserve and Guard technicians throughout the country represented by AFGE.

I am here to testify about the harmful, long-term effects of the so-called reserve technicians test program mandated by the Defense Appropriations Act of 1979. It is my firm belief that this program is not being implemented by the military commands as intended by Congress, and that the Department of Defense is moving as quickly as possible to completely phase out civilian technicians and replace them with military personnel.

Congress has not yet been made aware of the long-term costs to the taxpayer of such practices, or the effect they will have on the readiness of the Army and Air Force Reserve and National Guard units. To be blunt, the military commands are in the process of dismantling a program that works, and replacing it with one which is riddled with problems, at a much greater cost.

I will not take the time of this subcommittee to describe the importance and history of the dual-status civilian technician program, except to emphasize that these personnel constitute an essential component of overall defense capabilities. Rather, I would like to focus attention on the issues involved, and the reasons why Congress initially requested the test program.

In 1978, Congress passed the Defense Appropriations Act, and the report which accompanied this bill from the House Appropriations Committee stated several specific justifications for the conversion test program. Perhaps the most important justification was the assertion that Federal wage-grade or craft personnel are too expensive for the Department of Defense, and that the replacement of these individuals with military personnel would somehow bring overall defense costs down.

First, AFGE is not ashamed of the fact that pay comparability between Federal wage grade and private sector workers is being achieved, and we are sorry that the Department of Defense has problems with this fact.

Second, it is a myth that the conversion program was requested by DOD because of the high wage-grade salaries. If this were true, they would concentrate on the conversion of wage-grade positions. In fact, since the implementation of the test program, the Army Reserve, for example, has practically excluded wage grade slots from conversion. Most of the conversions have affected general schedule positions. Let me illustrate.

In the 1st Army area, the 77th, 94th ARCOM and 98th Division, only 136 general schedule, not wage-grade technician positions, have been converted from civilian to military. It is my information that this situation also prevails in other commands where general schedule positions are being targeted.

We brought this fact to the attention of the distinguished chairman of the House Defense Appropriations Subcommittee, Representative Addabbo, of New York, who voiced his concern in letters to the Secretary of Defense on May 10, 1979, and October 25, 1979. Since then absolutely nothing has changed, and the Army Reserve continues to place a primary emphasis on the conversion of general

schedule positions. Of course, I am not recommending the conversion of wage-grade positions. I am just pointing out that this test program is not being conducted in a way that will insure that Congress will be able to accurately evaluate its results, and for this reason alone it should be scrapped.

Of course, there is nothing new in the Federal agency going its own way, even after it has received explicit instructions from Congress. The problem here, however, is that so far the tests indicate that conversion will wind up costing U.S. taxpayers a bundle, while the overall readiness of the Reserve and Guard units deteriorates. The simple fact of the matter is that in the three ARCOM areas mentioned above, conversion of 136 general schedule positions will cost the U.S. Government an estimated additional $220,000 in personnel costs.

This occurs for a variety of reasons. First, when a general schedule employee converts to a military technician slot, he frequently winds up making more money. For example, a certain GS–9 with 30 years of service earned $18,000 per year. When he converted to CW–4 Warrant Officer, his base salary jumped to $26,000 per year. I have attached a list of GS conversions in the 94th ARCOM, and the increases are quite large. Furthermore, the military technician is of course entitled to a far more generous package of fringe benefits, BAQ, CHAMPUS, et cetera. So these figures are, if anything, understated. In short, the conversion of the technician positions from civilian to military does not lower costs. It raises them from what we have seen.

The second major reason cited by the House Appropriations Committee for the conversion test program was that it would improve the readiness and mobilization capabilities of the Reserve and National Guard units. The committee believed that the conversion program could result in the replacement of older by younger personnel, that the qualifications of these personnel would improve, and that military technicians are a more valuable mobilization asset for the units. Again, from what AFGE has seen, the expectations of the committee will not be met on all three counts.

First, let me comment on the age factor. AFGE believes that age discrimination, like racial and religious discrimination, has no place in the Federal Government. If a man can do the job, let him do it. We would also like to point out, however, that the test program is not resulting in the replacement of an older work force by younger personnel. Rather, in the 1st Army area, of the 136 positions converted from GS to military, 95 of the military technicians were over the age of 30; 19 were over the age of 40; and 14 were over the age of 50.

Second, and most importantly, the qualifications of some of these military technicians leave much to be desired. In the 94th ARCOM, 32 military technicians were hired with no qualifications or prior training, and 20 of these individuals were placed in quasi-supervisory positions. The long-term impact of such placements on unit readiness can only be imagined. I have attached some figures from my area which demonstrate this problem.

Third, for purposes of unit readiness, civilian technicians represent a far more valuable mobilization asset than their military counterparts. Army Reserve civilian technicians brought aboard

since 1970 must be members of the Ready Reserve, and are normally assigned to the units they service. They must be dual status. They must also accompany the unit upon mobilization as a condition of employment. Military technicians, on the other hand, may not remain permanently with their unit. They must be reassigned to another program after a maximum of 6 years of service during peacetime. In addition, upon mobilization, they are required to accompany their units only as far as the mobilization station where they are subject to reassignment by the military personnel center.

Finally, the House Appropriations Committee, in installing the test program, voiced concern that its implementation should not adversely affect promotion opportunities for civilian personnel who do not convert. Unfortunately, once again I must emphasize that the Army Reserve commanders are disregarding these clear instructions. In several areas of the country, the program is being deliberately designed to foreclose advancement and reassignment opportunities for civilian technicians, and little or no effort is being made to consult with the organizations which represent such personnel.

In the 1st Army area, for example, of the 136 conversions mentioned, 72 slots filled by military technicians were above the entry level, thus effectively sealing off promotional opportunities for qualified civilians. I have attached some figures from the 94th ARCOM whose personnel I represent, which clearly indicate that since the implementation of this test program, only five positions have been posted and filled, and all of these were at the GS-7, GS-9 level. The commanders are disregarding the merit promotion system from within by following such practices. It could also be that DOD has found a back-door way to evade personnel ceilings.

I might add that the test program is virtually destroying the affirmative action and EEO programs which took years to get into place. The hopes and dreams of thousands of career civil service personnel are being demolished. Since the inception of the test program, the attrition rate in my area has quadrupled due to the lack of promotion opportunities. The Department of Defense is slowly being bled as some of its most highly skilled and dedicated GS and wage-grade personnel either transfer to other agencies or leave Government service altogether.

In conclusion, I would like to point out there is an old saying: "If it's not broken, don't fix it." This is the way we feel about the dual-status civilian technician program. We are proud of our skills and the contribution we make to defense readiness. At a time of mounting problems within the all-Volunteer Armed Forces, and when the Reserves and National Guard are having an increasingly difficult time in meeting recruiting targets, we believe that the civilian technician program is the most effective and cost-effective system for providing full-time support for these units. We therefore ask that Congress exercise careful oversight concerning the implementation of this so-called test program, and that its results be evaluated fairly and objectively. Otherwise, the U.S. taxpayer will be stuck with a full-scale conversion program they will regret in the long run.

I respectfully submit that the test program provisions be stricken from the Defense Appropriations Act for the upcoming fiscal year,

thereby enabling dual-status technicians to dedicate their total concentration and efforts to their units, and to their role in the defense of this great Nation.

This concludes my statement, and I would be pleased to answer any questions you may have.

Mr. ALBOSTA. Thank you both very much for your testimony. I do have a question for the president. Why do you think the Department of Defense's 1981 budget request asks that some 4,000 technician positions be cut out before the results from the military conversion test are developed?

Mr. BLAYLOCK. I can only come to my own conclusion because we know as a result of the implementation of the test program it had not proven to be effective. My personal opinion, and it is only that, is that there has always been an attitude, and we deal with daily around the country, military versus civilian. It goes on at every military activity where we have civilians. I think it is purely a controlled dynamic in the minds of those people and they do not particularly like civilians, that plain and simple. There can be no other reason for it.

It concerns me, Mr. Chairman, as we look at our military endeavors in the last 10 years or so, I think Congress has an awesome responsibility to make sure that the civilian government of this country continues to control the military rather than the military gradually controling the civilian.

Mr. ALBOSTA. Has the test program been designed and conducted equitably and provided reliable and unbiased results in your opinion?

Mr. BLAYLOCK. I think the way Congress designed the program, yes, it was. The results really are in. Some of the statistics cited here by John and other statistics available show that one, they did not even implement it in such a way that it would eliminate what they claim was the age problem. As he has pointed out, they were recruiting people who were older than the technicians that are already there.

It has not addressed the so-called problem of wage grade and salary expenses, because again, normally when these people do convert, they convert to a higher military rank, and the expenses are higher. I think the results are there from the test and I think Congress just needs to look at those results and wipe the thing out.

Mr. ALBOSTA. Have military mobilizations assets been improved?

Mr. BLAYLOCK. No, sir, because you have lost, as John pointed out, you have lost an awful lot of skilled people that would have gone with those units, because they are dual status people and they would have gone with the unit, so mobilization surely has not been increased.

Quite frankly, other than the answer I gave you awhile ago, we cannot see any valid reason why the Army would want to continue this program and even move further with it, especially when we know the problems they are having with recruiting in the all-volunteer army. Here again, they are going to be using up an awful lot of military slots for a job that could be done by civilians.

Mr. ALBOSTA. Obviously, from John's testimony, I just wonder if you would say the same, has the test program saved any money, or would the full conversion save any money?

Mr. BLAYLOCK. No, sir. Attached to John's statement for the record, by the way, are some economic figures that show from the real world what the cost is up in that area, just looking at the northeast part of the country and the application there. As he points out, in this simple arithmethic that our people were able to do, there is over $220,000 increased cost right there and the conversion was 136 positions.

Mr. ALBOSTA. Have you informed the House Appropriations Committee and the Armed Services about the conversions?

Mr. BLAYLOCK. When I testified before the Armed Services Subcommittee, I was not fully aware that Army at that point was determined to try to continue this program. We did, however, submit prepared comments on this program to the committee that hearing was on personnel ceilings in general.

Mr. ALBOSTA. Do you feel that the presence of unions in the civilian population of the Reserve components interferes with the proper military discipline and control?

Mr. BLAYLOCK. No, sir, there is no evidence to support that contention. We have heard it from time to time. There is no evidence to support that.

Mr. BRYANT. Mr. Chairman, I am Jerry Bryant of 77th ARCOM. To add to President Blaylock's statement, I am a dual status technician, the same as a lot of people in this room. The job that we do from day to day just does not cover one particular area. We have to take up quite a few areas, whether it is administrative, whether it is in maintenance or whatever. It takes us years and years of training to get where we are today in order to do this, which we are proud of, I am quite sure.

However, if you had a national emergency today or tomorrow, all the President has to do is activate dual status technicians. Then we cease being a dual status civilian and we become military. You have no unions involved or whatever. So, really, I do not see how the civilian technicians can interfere with the military structure of it. However, I see that you have a lot of military personnel who come off of active duty and they need a haven to hide in because of their inefficiency on active duty.

Right now I think that the committee should speak to the Department of Defense to get them to realize that first, they have to set their military, their regular army structure into motion before they come into the reserve structure. Now, about these military technicians, if they are really so experienced, why are these people not utilized in the regular army structure instead of putting them into the reserve structure.

We were up here a couple of years ago, and it was also stated that the military civilians are better than their army counterpart. I strictly believe that, because we can work in a unit and be given a motion or date, and really perform five or six tasks knowing what we are doing. But the DOD is hiring military technicians to come to work along with the civilian technician doing the same identical job. So, actually, you are paying twice the pay for one job by using two different personnel. One that has more than one experience and one with that particular experience.

On top of that, the guy goes to school for 2 weeks, he comes back and he is supposed to be an expert. There is no way that he is

going to learn the skills if a unit is mobilized to make sure that it is ready to go and perform the task for which its mission is given. So your reserve technician has this ability and experience.

The problem we are having is management. If your management does the job that they are supposed to do, they follow the laws of equal opportunity, the merit promotion system, you will have a better army, and you would have a greater military and civilian force.

Mr. ALBOSTA. Mr. Blaylock, let me ask you another question from page 4 of your written testimony. You say in the second paragraph on that page, 75 percent of the air reserve technicians perform aircraft maintenance and the air reserve program demonstrates what the technicians program can accomplish when it is not completely hindered by mismanagement. What do you mean by the mismanagement statement?

Mr. BLAYLOCK. Well, if you notice throughout the statement, I make reference to the experience that the Air Force Reserves and the Air Guard units are having, and they are using the dual status technician program. In every inspection, in every maneuvers, in every exercise, those units test right up there and in many cases exceed the ready forces, the Active Forces today. It seems to be only the Army Reserve portion that is having problems with the technician program.

Mr. ALBOSTA. Are you saying that they are totally mismanaged? That is what your statement says.

Mr. BLAYLOCK. That is exactly what I am saying and I do not back off from that. The other Reserve units have been able to use the dual status technician to do two things. One, they provide mobilization, pure numbers of qualified skill people who are civilians until mobilized, but in case of mobilization, these guys are mobilized with their unit, they go with unit capability with that unit in case the bell rings. Two, they are providing skills and a support posture for that Reserve unit by maintaining the aircraft, keeping them ready to fly, whatever, testing weapons and so on. So they are providing skill support during the peacetime operation of this Reserve Force. They are providing a ready pool of skilled people that will go with that unit in case the bell rings to augment and back up the Active Forces.

As you well know, we have serious problems in that area. Now, when these guys leave this technician program, for whatever reason, and the conversion program is designed to get them out of it, then you are going to lose that pool of resource and that pool of capability, because they are going to go to work somewhere else, they are going to get out of the Reserves in all probability. As experience shows, most of them do once they leave that dual status position.

Mr. ALBOSTA. Why would they want to get out of the Reserves. As the gentleman said in his testimony, they went from a $16,000 position up to a $26,000 position, why would they want to leave?

Mr. BLAYLOCK. I am saying if they are forced out of the program through this test program and Army's management program for whatever the reasons behind it are, if they are forced out of this dual status position, then in all probability, when their enlistment is up they are going to get out of the Reserves. The Reserves are

having serious recruitment problems today, as you well know. There is no incentive. Right now the incentive is it links their day-to-day job to a Reserve requirement.

Mr. ALBOSTA. The Reserve requirement to be disqualified for health reasons and——

Mr. BLAYLOCK. Well, the dual status technician, in order to hold his civilian job, has to be a member of that Reserve unit. I am saying if he loses that civilian job, then he is going to get out of that Reserve unit in most cases. Some of them are going to stay, because obviously we have a lot of people in the Reserve Forces today. Not all of the Reserve Forces will show they have near what they feel like they ought to have. I am saying you are going to lose that pool of ready, trained, skilled people who not only have the skills of their day-to-day job, but they have the military skills and long experience with their unit, and you have got unit capability of picking the unit up, putting it down in a combat situation that is ready to go rather than having to pick up skills and train before you send it anywhere.

Mr. ALBOSTA. I want to go back to the mismanagement again, because that bothers me. How are they mismanaged? Describe this. What is going on that there is mismanagement so we have a better idea?

Mr. BLAYLOCK. We addressed two issues in here. One of the issues we talk about is the status quo technician. Now the other Reserve components have been able to resolve the status quo problem. This comes about when a technician ceases to qualify, say physically, for his military requirement. So then he is removed from the military position as Reserves. Army says that is a real problem. They say 22 percent of their Reserve technicians are status quo. In other words, if they mobilize, they would not have them to go with the military unit.

The other forces have been able to resolve that problem. Air Force, for instance, uses their priority placement program, and they offer these civilians other jobs that do not have a military requirement. So they have a very small amount of status quo people. So through management processes, they have been able to eliminate that problem, and they do not have any problem with it now.

There are thousands of civilian technicians around the country that are not in Reserve units at Army bases. Air Force has been able to use that system to resolve it. But I think a more serious problem, if you look at the way the Army Reserve, and we cite it in here, has assigned people who supposedly, once they have got a dual status requirement, they are assigned to a particular Reserve unit, they are working with a particular Reserve unit, yet they have assigned them to some other Reserve unit, maybe a unit on the other side of the country. So they lose unit capability when they do that.

I have some 14 years in the Reserve Forces and active duty, as well, and I know that that unit capability is critical to having a Ready Reserve Force. We need troops with equipment that are trained together, troops that are used to working together. They know the command, they know the structure, they know the processes of that unit. Then we will be able to pick that unit up and

put it in place in an emergency situation. It means everything to that pipeline link and it means everything to the ability of that unit to be able to perform as an integral unit.

That is the reason these air units are performing as well as they are against active units, because they are training together, they are working together, and when they go in, they go in with equipment they have been working with every day. The other units, other forces, have been able to build on this concept. The Army Reserve does not seem to have the ability to do it. You will have to get their reasons from them because I really cannot understand them. It is hard for me, as any reasonable man, when you look at the results of their tests and what they are doing, it is hard for me to understand why.

Mr. ALBOSTA. That is a very strong statement, to say that somebody was completely hindered by mismanagement, and I am trying to get to what is happening there, that would make you believe or write a statement in your report that would say that we do have total mismanagement in the Reserve unit.

Mr. BLAYLOCK. Well, let me ask you a question. When you look at the Air Reserve units and the way that they are performing and the fact that they do not have either one of these problems. Then you look at the Army Reserve, same program, same types of forces, same concepts, and they are having all these problems, the managers are responsible somewhere up the line and I do not know any other word to call it other than mismanagement. Maybe you have got a better word. But from the people who are responsible for designing and operating the original technician program came their proposal to the Congress: "Give us a right to do a conversion program and we will resolve these problems." Well, you give them that authority and you see how they have resolved their self-proclaimed problems with that authority.

One, blue-collar pay. They have not even converted any blue collar positions. Instead, they are going after white-collar pay. Second, the aging work force. Hell, they have recruited people that are older than the ones they have on the rolls now. This is mismanagement to me.

Mr. ALBOSTA. I think I understand you have come to your belief from the difference between the Air Force and the Army in the way it has been handled.

Mr. BLAYLOCK. You have got programs that are working good and you have got those that are not, and who is responsible? It is the managers.

Mr. ALBOSTA. I do not have any further questions, and because of time, we do have other witnesses.

Mr. BLAYLOCK. Mr. Chairman, we would like to thank you so much.

Mr. ALBOSTA. I would like to thank you very much for being here with us today.

[The following information was furnished by Mr. Blaylock and Mr. Esposito in their prepared statements:]

USAR Needs Aid

DES MOINES — Much has been written, studied and discussed about the Army Reserve technician program.

As a result, changes in the USAR technician program are pending. The changes are based on two assumptions. First, that Army technicians in general do not do a good job, and second, that technicians who are not military members of the unit they serve as civilians are a liability to the Army.

The civilian technician retains the continuity in Army Reserve units that have a national turnover rate of nearly 33 percent annually. The need for continuity is obviously recognized by the fact that no other agency with the Army requires its civilians, as a condition of employment, to be a member of the Army.

We need to face the facts. The National Guard and the Air Force Reserve are in a better overall readiness posture than the USAR for reasons other than the success or failure of their technician programs. Both the NG and the AFRes have had resources over the years that have not been made available to the USAR.

Let's stop maligning the technician and provide the USAR with the help it needs. We cannot expect the Reserve Components to provide 50 percent of this country's mobilization force without the necessary assets. The USAR cannot attain the posture that is required on five percent of the military budget.

The military technician program is "one-for-one" exchange with civilian technicians. The military technician, although considered a member of the unit for which he works, need only accompany the unit as far as the mobilization station where he is subject to reassignment by Military Personnel Center. During peacetime he may be with the unit for only three years and at a maximum six. He cannot even qualify for active duty retirement since his tenure is limited by policy to less than 18 years' active duty.

Excepted service status is hard to defend based solely on the assumption it has been a success in the NG. The various study groups that have advocated excepted service fail to relate the "horror stories" about what excepted service has done to the careers of many NG technicians.

As for the non-dual status technician, referred to in the literature today as a "status quo" technician, he represents an asset rather than a liability. Most status quo technicians were senior officers or enlisted persons who lost their dual status through Army retirement. These people have many years of experience, and the Army has very large investments in them.

A possible solution is to require all technicians under the age of 65 without unit military status to sign a statement indicating their willingness on mobilization to be placed back on active duty and to accompany their unit to the mobilization station.

After the unit has been processed at the mobilization station these individuals could be reassigned to a ConUS position, thus releasing younger men for duty in a theater of operations. Since current law requires that pensions be paid upon retirement to individuals subject to recall to active duty, simply change the law as it applies to this specific group of individuals. Congress could accomplish this change as simply as it approves promotions of senior officers.

Let's be realistic. Let's take advantage of our large investments in people and let's quit looking for scapegoats to cover the lack of adequate support to the USAR, a program vital to the survival of the nation.

Col. (USAR-Ret.)
LOUIS D. ERBSTEIN

Congress of the United States
House of Representatives
Committee on Appropriations
Washington, D.C. 20515

May 10, 1979

Honorable Harold Brown
Secretary of Defense
Washington, D. C. 20301

Dear Mr. Secretary:

After reviewing the DOD fiscal year 1979 budget request, the Committee directed the Department to establish a test program to determine the feasibility of converting Guard and Reserve civilian technicians to full-time active duty military.

The Defense Department, according to recent testimony on the FY 1980 budget request, has initiated the appropriate action and has even exceeded certain of the Committee's expectations with regard to the Army components. However, certain aspects of the DOD implementation effort do not conform to the Committee's guidance and I must therefore direct your attention to two specific concerns.

First, the Army Reserve has excluded from the test the conversion of wage grade civilian technicians. As discussed in the Committee's report last year as well as DOD's own Full-time Training and Administration Report, the high cost of the technician wage grade force is one of the paramount reasons in support of conducting the test in the first place. It makes little sense to exclude them if the Committee is to have accurate and complete information upon which to evaluate the conversion process.

Second, it was not the intent of the Committee that technicians not being converted to military status should be frozen in place with no further opportunity to compete for advancement or reassignment. This, however, is currently taking place in several areas. Although I recognize that the test by its very nature will create some personal turbulence for those technicians not being converted, every effort should be made by the Department to consult with the affected individuals or their legitimate representatives in implementing the Committee's guidance.

It is requested that the Committee be advised as to the measures taken to correct these problems.

Sincerely,

Joseph P. Addabbo
Chairman
Subcommittee on Defense

Congress of the United States
House of Representatives
Committee on Appropriations
Washington, D.C. 20515

October 25, 1979

Honorable Harold Brown
Secretary of Defense
Department of Defense
Washington, D. C. 20301

Dear Mr. Secretary:

In my letter of May 10th on the technician conversion test, I requested an explanation as to why wage grade personnel were being excluded from the test. In his letter of June 20th, the Assistant Secretary of Defense (Manpower Reserve Affairs, and Logistics) responded that "wage grade jobs will be included in the test."

I am writing for clarification as to the manner in which the wage grade personnel are being included. It is my understanding that in at least one component - the Army Reserve - the primary emphasis on conversion remains with the general schedule employees. For example, general schedule conversion quotas are established and all vacant general schedule positions must be converted. Neither condition has been applied to wage grade employees.

In this light, I must reemphasize the concerns expressed in my previous letter, as well as those contained in the Committee's report on the fiscal year 1980 Defense bill. It is crucial that this test be conducted in such a fashion as to ensure that sufficient data is available on the success rate of converting not only general schedule technicians but also wage grade technicians.

Sincerely,

Joseph P. Addabbo
Chairman
Subcommittee on Defense

CONVERSION TO MIL TECH

The following reflects the total amount to date of civilian technicians who converted from civilian status to a military technician:

Civilian Position	GS Grade	Current Military Grade	Difference in pay at Current Payscale
Staff Adm. Spec.	GS7	CW4	$9,459.00 per yr.
Staff Adm. Asst.(converted from GS7)	GS9	LTC	12,103.00 per yr.
Staff Trng. Specialist	GS9	CW4	8,205.00 per yr.
Staff Trng. Asst.	GS10	MAJOR	4,806.00 per yr.
Staff Adm.Sp.	GS7	SPC	4,606.00 per yr.

The above represent the only conversions to date. The figures shown above do not reflect annual training pay/drill pay that these individuals would have received as reservists had they remained as civilians. They also do not include the maximum military grade assigned to their positions.

Also of note is an individual who took an administrative reduction in grade as a reservist from SGM (E9) to SPC (E7) to occupy a Mil Tech slot that was formally a GS5 Entry Level AST.

69-444 O - 90 - 6

QUALIFICATIONS OF MIL TECHS BROUGHT ABOARD

Of the forty one (41) Military Technicians brought aboard, (9) were deemed qualified according to their primary military occupational specialty codes in accordance with AR 611-201.

The remaining (32) are not to be considered qualified. This not only means that they must attend formal training, but also means that civilian technicians are required in most instances to teach the Mil Techs their jobs.

(20) positions above entry level have been filled by military technicians who are not qualified which means that personnel in key positions don't have the knowledge required for the job. They also are unable to provide assistance and guidance to lower level employees. For the most part, they must be corrected as well as trained by their subordinates.

The following is a breakdown by title and grade of Qual or Non-Qual Military Technicians:

Title	Total Amount of Positions	GS Grade	Military Grade	Qual.	Non-Qual.	50% Qual.
Clerk Typist	1	3	SGT	1		
Data Trans.	1	4	SP5	1		
Supply Tech. PBO	1	5	SSG		1	
Sted/Doc/ Con	1	5	SP5	1		
Admin. Supply Tech.	1	5	PFC			1
" "	7	5	SSG	3		4
" "	5	5	SFC	3	2	
Comp. Oper.	1	6	SFC	1		
Admin. Supply Tech.	2	6	SP5		1	1
" "	3	6	SSG		2	1
" "	2	6	SFC		1	1
" "	1	7	SSG			1
Staff. Admin. Spec.	1	7	SSG		1	

Staff Admin. Spec.	1	7	1LT		1
" "	1	7	CW4	1	
" "	1	7	CPT		1
Supervisor Supply Tech	1	7	CW4	1	
Supervisor Comp. Oper.	1	7	CW3		1
Budget Tech	1	9	WO1		1
Staff Trng. Spec.	1	9	CW4		1
Military Personnel Tech.	1	9	SSG	1	
Staff Adm. Assistant	1	9	LTC		1
Staff Adm. Assistant	1	10	MAJ		1
Staff Tng. Assistant	1	10	MAJ		1
Eng. Tech.	1	11	MAJ		1
Staff Tng. Assistant	1	7	MAJ		1
Staff Tng. Assistant	1	7	CPT		1

CIVILIAN JOB ANNOUNCEMENTS

The following figures will reflect civilian job announcements and fill since implementation of the Military Technician Program.

JOB TITLE	GS LEVEL	NUMBER POSITION	FILL	VACANT
Admin Supply Technician	7	2	2	
Staff Training Assistant	7	1	1	
Staff Administrative Specialist	7	1	1	
Staff Administrative Specialist	9	1	1	

The above clearly indicates that promotional opportunities for all practical purposes civilian advancement has all but ceased.

Mr. ALBOSTA. Maj. Gen. Alfred Ahner, president of Adjutants General Association of the United States is next. We are pleased to have you with us today. You can begin your testimony.

STATEMENT OF MAJ. GEN. ALFRED F. AHNER, PRESIDENT OF THE ADJUTANTS GENERAL ASSOCIATION OF THE UNITED STATES AND ADJUTANT GENERAL OF INDIANA, ACCOMPANIED BY MAJ. GEN. BILLY JONES, THE ADJUTANT GENERAL OF GEORGIA; ALSO ACCOMPANIED BY MAJ. GEN. VITO CASTELLANO, THE CHIEF OF STAFF TO THE GOVERNOR OF NEW YORK.

Mr. AHNER. Thank you, Mr. Chairman. I am Maj. Gen. Alfred F. Ahner, president of the Adjutants General Association of the United States and the adjutant general of the State of Indiana. I am accompanied on my left by Maj. Gen. Billy Jones, the adjutant general of Georgia, who is particularly well versed on the Air National Guard technician force. Also with me is Maj. Gen. Vito Castellano, the chief of staff to the Governor of New York, deeply qualified in both the Army and the air.

Please permit me to express the appreciation of the Adjutants General Association of the United States for providing this opportunity to testify on the subject of full-time manning. The Adjutants General Association of the United States includes the adjutants general of the 50 States, Puerto Rico, Virgin Islands and the District of Columbia. These adjutants general are the individuals charged by the National Guard Technician Act of 1968 to employ and administer the technicians. They do this and act under the direction and in the name of their respective Governors.

The organization of the National Guard is unique and is the result of an evolution process that goes back to the Massachusetts Bay Colony Militia in the year 1636. The Guard is actually older than our Nation by some 140 years. Many people are confused by

the term organized militia, or National Guard as we are called today. Gen. George Washington himself had trouble explaining the character of his army to puzzled Members of the Continental Congress. In 1780 he responded to some queries:

> If in all cases ours was one army, or thirteen armies allied for the common defense, there would be no difficulty in solving your questions. But we are occasionally both, and I should not be much out if I were to say that we are sometimes neither but a compound of both.

At all times, Washington and other leading Americans thought of his army only as a provisional force of citizen soldiers with militia obligations to their own States, who were absolving those duties voluntarily by active service in the regiments of their respective States.

To insure the States rights and responsibilities for the services of a local militia, the Constitution included the recognition and authority of the militia:

> The congress shall have power * * * to provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

A congressional act in 1795 gave the President authority to call up the militia in cases of invasion or other emergencies, but this Federal use depended upon the approval of the individual Governors. In 1808, Congress provided for the use of Federal funds for the militia but reaffirmed State control. In fact, every piece of legislation to include the 1903 Dick Act and the 1916 National Defense Act and the National Guard Technician Act of 1968, has supported the concept of a State-controlled militia.

The strength of the National Guard lies, in part, in the esprit created when neighbor helps neighbor and the citizen soldier aids the community. State control of the National Guard permits immediate responsiveness by the individual State to the needs of its citizens. Just as the concept of the National Guard organized by and for the States is unique to our Government, so is the concept of State rights and responsibilities unique to our Republic. The close and binding relationship of these concepts preclude the infringement of one without a resulting erosion of the other.

I cite this limited historical background, Mr. Chairman, for the purpose of establishing the basic principle that has guided the National Guard throughout its history and contributed so much in its being a responsive and viable force, that principle being that service in the organized militia has been considered evidence of patriotism and responsibility above and beyond the normal requirement of military responsibility when under State supervision. It is this responsiveness, this State and national patriotism that each adjutant general seeks to sustain. Three and a half centuries of dedicated State and Federal service should be sufficient evidence that the Guard works, and it works as it has been constitutionally and historically designed.

The Guard's long fight against total federalization and against the efforts of those who would abolish State military forces is involved in the full-time manning of the National Guard.

This concern for the erosion of a State-controlled militia is why the States Adjutants Generals have on three separate occasions passed a resolution pertaining to full-time manning. The resolution reads as follows:

Whereas, the Constitution of the United States provides that the National Guard of the several states shall be maintained under state control when not in the service of the United States; and

Whereas, the personnel of the full-time support forces (National Guard technicians and full-time military personnel) of the National Guard are essential to the effective operation of National Guard units and to attaining and maintaining combat readiness; and

Whereas, the Congress in enacting the Technician Act of 1968 excepted National Guard technicians from the application of certain provisions of civil service law to insure that the adjutants general of the several states would retain control of the essential personnel of National Guard units; and

Whereas, the application of civil service regulations to National Guard technicians permits the adjutants general only minimal control of technicians, thereby thwarting the intent of Congress, and interfering with command and control of National Guard units by state authorities; and

Whereas, the statutory ceiling on the number of technicians limits the number of technicians to a level far below the number required to perform essential military tasks; and

Whereas, Congress has mandated a test of converting technician spaces to full-time military spaces and the Department of Defense has initiated a program of authorizing additional full-time military personnel; and

Whereas, the adjutants general deem it essential that the pay and benefits and promotion opportunities of technicians currently employed be protected and insured; and

Whereas, the full-time military manning program, under 32 U.S.C., insures control of full-time military manning personnel by state authorities while offering the only opportunity to increase the number of full-time support personnel to the level required to perform essential military tasks: Now, therefore, be it *Resolved*, that the Adjutants General Association of the United States, assembled in Tempe, Arizona, this 16th day of January, 1980, urges the Congress, the Secretary of Defense, the Secretary of the Army and the Secretary of the Air Force to accelerate and expand the full-time military manning program while continuing the conversion of technician spaces, by attrition, to full-time military manning in a judicious and cautious manner to insure that the pay and benefits of currently employed National Guard technicians are fully protected.

I have been a State employee for some 25 years, as a public school teacher, military employee and, ultimately, a State adjutant general, to include over 19 years creditable service as a federally paid technician, and subsequently a federally paid technician within the framework of the civil service system. Thus, I believe that I have knowledge of the advantages and disadvantages of these types of service and will attempt to discuss this issue with you.

The technician program began in 1916 with the authorization of Federal funds for the employment of caretakers who were responsible for the unit's equipment. Not being Federal employees, the caretakers were not able to participate in Federal employees benefits plans; State benefits were unequal, to say the least. To correct this situation, Congress passed in 1968 the National Guard Technician Act. The act specifically was designed to provide retirement and other job-related benefits, but not to provide full civil service status.

The concept of the technician program has traditionally been to preserve the military requirements of the National Guard by having the technicians work full-time in the units to which they belong as military members. Recognizing the need to continue the emphasis on the National Guard as a military organization, Con-

gress stipulated in the 1968 act that technicians must be members of the National Guard as a condition of employment and that the management and administration of the technicians were responsibilities of the State's senior military commander, the adjutant general. Below the adjutant general, the technicians were to be managed by a military chain of command, while daily supervision was left to a more senior technician in the supervisory chain.

While the Technician Act of 1968 was sorely needed, the technician program has developed some practices that are contrary to its original concept and contrary to the requirements of a military organization, particularly a State militia. If these practices were merely aberrations or differences of perception, we would not be gathered here today. But as an adjutant general responsible for the management and mobilization readiness of over 12,000 Army Guard and nearly 2,000 air guard personnel in my State, I sincerely feel the missions and responsibilities of the National Guard could be realined even though that is not the intent of this body.

In representing my peers as President of the Adjutants General Association, all of whom are keenly aware of the part they play in the total force policy, the bottomline for all of us is combat readiness. In facing the problems and concerns brought before you today, I ask that you share with us the question we face every day: Does this contribute to or detract from our combat readiness? Given the recent tide of events, and the low manpower levels of our standing military forces, this question becomes even more critical.

Our technician force is, in my judgment, the most proficient, dedicated, and hard-working group of employees in the entire civil service system, bar none. In time of State and Federal mobilization, they perform critical functions at all levels in the widest variety of areas, while the part-time guardsman makes the transition from the civilian environment to the military environment. That transition does not take very long; often a briefing by the technicians on the events leading up to the mobilization is all that is required. But, there has evolved a difference between the technician and the part-time citizen soldier. One is employed; the other serves.

It is perhaps this seemingly slight difference that is far more consequential than is often imagined. This difference between employee and the service member is found in our active forces. In addition to full-time active duty personnel, each department within the defense establishment has a large number of civilian employees. It is in the reserve components that the distinction between employee and service member has become blurred.

The National Guard is a military force. It is so organized, equipped, and trained. As this Nation's primary Ready Reserve, and as each State's militia, the National Guard is not, nor should it be, in the position of functioning in an employee-employer relationship with its most critically needed service members. Attempts to civilianize the full-time work force of the Guard must be seen in the same light as attempts to civilianize active military personnel. It is unacceptable because of the mission of the services. We simply are not employees. If we were, I would ask what salary should be paid, what benefits should be made available to the service

member committed to combat? This, ladies and gentlemen, is not employment, this is service.

As a commander of a military force, and representing other adjutants general, I will share with you specific areas of concern. In my State, and only on the army side, I have ten types of personnel categories. These range from state employees, some military and some civilian, to a variety of military classifications and Federal civil service employees, some military and some civilian. Most come with a different set of selection criteria, regulations and benefit plans. This quickly becomes an administrative nightmare, producing more paperwork and more personnel managers for each major category of employees. The military is often criticized for being topheavy in management and producing voluminous amounts of paperwork. We in the Adjutants General Association welcome the opportunity to streamline our personnel systems and reduce paperwork which will result in saving money. I hope we are not faulted today for that. I hope we are not faulted for our concern about the cost to the taxpayer who currently supports a dual retirement compensation system.

I hope we are not faulted for our concern about the age of our technician force in light of our requirements for combat readiness. We should not be faulted for our concern about work stoppages. This is a real problem, not a myth.

We will not be faulted for our concern for the decreasing latitude to command our forces. Have we reached the age where a military commander must negotiate a soldier's job description, work hours, uniform and fringe benefits or face a work stoppage or strike?

The problems I have touched on briefly are not insolvable. Congress has given us a tool, a mechanism for alleviating many problem areas. That mechanism is full-time military manning.

The full-time military manning was established by the House Appropriations Committee as a 2-year test to determine the ability of the reserve components to attract and employ personnel in a military duty status. However, the House Appropriations Committee report directed that the test be concluded on June 30, 1980, rather than September 30, 1980, as originally planned. The House Appropriations Committee requires that a report on the test be prepared for them by December 31, 1980. This early termination of the test will not result in any change in status of persons on full-time duty in the conversion to full-time military program. Their 2-year tour of duty will continue as scheduled.

Probably the most damaging thing to the program now is its uncertainty. Few people will turn down a civilian job with a definite future for only a 2-year position. If and when the program were to become a reality, this would correct itself and recruitment, while not a problem now, would become much easier.

To the delight of the adjutants general, Congress gave us not just a workable test program, but one that has the potential when fully implemented to enhance on mission capabilities, streamline our operation, and permit us to function as the military organization we are. That is important to remember. We are not the Post Office, we are not the Department of Defense civilians. We are the ready reserve of the Departments of the Army and Air Force. While we maintain the Constitutional rights and responsibilities given the

State role of the militia, for effective mobilization, we must be as similar to our active service counterparts as possible. In our every day operations, the more we function under the same regulations and meet the same requirements as our active duty personnel, the better able we will be to join with them when needed.

Again I share with you our question for virtually every decision that comes before us. Does this contribute to, or detract from, our combat readiness? Will the National Guard, the Nation's oldest military force, be allowed, as other military forces, to have commanders command, leaders lead, and soldiers soldier?

On behalf of all the States adjutants general of the United States, Puerto Rico, Virgin Islands, and the District of Columbia, we want to convey to you, Mr. Chairman and the committee, our thanks and appreciation for providing us the opportunity to express our views on this most important matter, and we will be happy to attempt to answer any questions you or your committee may have.

Mr. ALBOSTA. Thank you, General Ahner. I appreciate your statement and the comments which you have made. A few questions. Why does the Department of Defense's 1981 budget proposal request that 3,740 technician positions, including 3,377 from the National Guard, be eliminated before the results of the military conversion test are available?

Mr. AHNER. I am sorry, that is a level way above us. We are not brought into that planning at the state level. I have no knowledge, unless either of you gentlemen do.

Mr. CASTELLANO. Well, Mr. Chairman, the success of the full-time manning program in the State of New York is, without question, outstanding. We have 143 individuals who were authorized or 11 percent of our strength, and we currently have 143 individuals on board. Of that, the grade spreads among the GS, or as was referred to early, the white collar, is 109 versus 29 of the wage board or the mechanical blue collar, which is a representative, as far as New York State is concerned, of the percentage factors. Approximately one-quarter of our overall State full-time force is white collar, 75 vis-a-vis 25 blue collar. So the representation in our program has been, as far as I am concerned, just very successful.

At the same time, in the grade structures, the grade structures are such as far as the military grade structures, that we have a profile in the state that is identical to the profiles of our military force in the State.

Mr. ALBOSTA. Would military personnel provide the Guard with a work force as stable and experienced as the technicians have shown themselves to be, in your opinion?

Mr. AHNER. In my opinion, it would. The experience that we have in the State of Indiana is that they are just as stable as the civil service people have been. In fact, most of the people that we have in the military positions were civil service. So we, essentially, have the same people.

Mr. CASTELLANO. I think it must be remembered that the program is only 2 years old, so stability, if you measure it by virtue of time, obviously it is not as stable in the 2-year time frame as the technician program in a 35-year time frame. We believe it to be

that we will, in fact, have a work force as stable as the technician program as time progresses.

Mr. ALBOSTA. Is the National Guard converting positions at all grade levels, as it would have to if full-scale conversion were to take place, or are they choosing only the more attractive, high-level and high-wage positions for converting, in your opinion.

Mr. AHNER. I am speaking now for the State of Indiana, we have a sprinkling throughout, the wage grade, wage supervisor and the general schedule type. They range all the way from the lowest rank to an O–6, full colonel. So in our State, we have them every place, sprinkled throughout.

Mr. JONES. In Georgia, the same thing is true, they range all the way from E–4 to E–7 on the enlisted ranks and on the Air National Guard O–4, captain is the highest rank that we have on board. On the Army side, major is the highest rank that we have on board. So they are really throughout, and actually the military rank structure is below the technician rank structure in both officer and enlisted grades as an average.

Mr. CASTELLANO. I would like to say likewise in New York, we have the same profile, as I had mentioned earlier, as Georgia does, from the top rank is currently on the Army side lieutenancy, and the Air side is major, and on the enlisted rank goes up to E–7. We found that to be of interest when the State, as New York, with two different large geographical spreads, that it was able to recruit across the board those kinds of individuals. I will admit that most of them come from the current inventory of National Guard personnel, that they are individuals that were citizen soldiers that applied for and were selected for a full-time manning position.

Mr. ALBOSTA. On page 8 of your statement, you say you are concerned about the age of your technician force in view of your need for combat readiness. Since technicians have to be members of the Guard itself, do not they meet the same military and physical requirements as guardsmen?

Mr. AHNER. They are permitted, in many instances, to be retained beyond what they would were they on active duty. As an example, in the military most of them could qualify for retirement with 20 years' service. Under civil service, they have to work until age 55 before they can qualify for an immediate annuity. Therefore, your civil service technician will be of an older age than the spread that you would have on a full-time military.

Mr. ALBOSTA. Do you expect that conversion will save money?

Mr. AHNER. Pardon?

Mr. ALBOSTA. Do you expect the conversion to save the military money?

Mr. AHNER. I do not know, and not being a budget analyst and all that, my thought is that 10 years down the road, the program, full-time manning, would be a saving to the taxpayers because of the elimination of a dual retirement system. Also, it eliminates those procedures and things which we are so often being accused of as double dipping.

Mr. ALBOSTA. How do they double dip now?

Mr. CASTELLANO. Well, an individual can qualify for a civil service retirement at age 55 and qualify for a title III, Public Law 108 retirement at age 60. So those are two separate, distinct, retire-

ment systems. In the full-time manning program, the individual would qualify, at least currently after 20 years of service under title III, Public Law 108 which will provide for the same lifetime retirement system that the active military individuals have currently. So that is one.

Another savings that we foresee downstream is in the administration of the force. Currently, the civilian work force requires an entire administrative overhead, which is not looked at when the individuals were not involved in in the full-time manning status, because it is the same personnel procedures whether or not the individual is full or part time. So the civilian work force management requires a considerable amount of overhead and the activities of the union, likewise. So those moneys, and in our State, and from my testimony before Congress here about a year-and-a-half ago, our cause for the labor-related activities over a 5-year time frame exceeded several million dollars.

Now those savings, assuming that not to be the case, would have to be savings that would inure to the program.

Mr. ALBOSTA. If the test program in the case of the Reserve cannot direct adequately skilled personnel at all levels, what would the Guard do then? It may be a tough question, but nevertheless, we have to consider it.

Mr. AHNER. The things that we have discovered, in our State, that we are getting the skilled people. We have no problem. We were authorized 147, and we kept it right up to the limit until we got a directive saying do not proceed until a certain period of time. We have not had a bit of trouble recruiting people for these jobs. Most of them, as I have stated, are coming from the civil service side.

Mr. ALBOSTA. In your position as the head of the Adjutants General of the United States, do you see any problems with any other States?

Mr. AHNER. Yes, I would be less than honest if I did not say that there will be problems. Many of these problems would have to be addressed and worked out down the road as we progress into it. That is the reason the Adjutants General stated that they wanted this to be done in a cautious, judicious manner, to protect those people that are currently on board, that they only fill spots by attrition, that the current people still have the opportunity for upward mobility and retention of all their benefits and rights that have been given them up to this point.

Mr. CASTELLANO. The facts to date, though, would belie that we would not be able to accomplish it in the long term, because looking at the numbers we have, which represents 11 percent of our work force, 143 individuals, are staff positions are 14, our AST positions 59 and all the others are involved in the wage grade or the blue collar group, including aircraft maintenance. So we do not foresee that we would have a problem downstream in filling the full-time manning positions as they become authorized. We do not expect that it is something that can be achieved in a year or two because we would not want it done that way in order to protect the current employee.

So there is no question in our mind that it could be done, it is a question of in what time frame.

Mr. ALBOSTA. Last month, the Reserve Officers Association testified in support of continuing the present technician program for the Air Force Reserve. Now the question I have for you is why does the use of technicians seem to satisfy the Air Reserve, but not the Guard?

Mr. AHNER. I cannot speak for the Air Force Reserve, but I do not think they even accepted the test as it was designed. As I recall, they only wanted to take 16 positions out of their total force to give a test. Now how 16 positions in a force that they have would be a valid test, I have no idea.

Mr. ALBOSTA. Gentlemen, I want to thank you for appearing before the committee today. We will review all the testimony that we had presented to the committee today and come back with some kind of report.

We have one more witness, Maj. Gen. Francis Greenlief, executive vice president of the National Guard Association of the United States. It is a pleasure to have you here this morning, Mr. Greenlief.

STATEMENT OF MAJ. GEN. FRANCIS S. GREENLIEF, EXECUTIVE VICE PRESIDENT OF THE NATIONAL GUARD ASSOCIATION OF THE UNITED STATES

Mr. GREENLIEF. Mr. Chairman and members of the subcommittee; I appreciate the opportunity to present the views of the National Guard Association of the United States on the critically important subject of full-time support personnel of the Army and Air National Guard. The 50,000 members of our association include more than 95 percent of all active National Guard officers and thousands of former National Guard officers.

The purpose of the National Guard Association is to promote the national security of the United States of America. The Nation's security is dependent upon the ability of the National Guard to attain and maintain the levels of combat readiness demanded by national war plans. A fully manned full-time support force of dedicated, skilled National Guard personnel is an essential ingredient of combat readiness.

The Army National Guard (ARNG) force comprises 27 percent of the personnel strength of the total Army unit structure. More significant than mere numbers, however, is the heavy predominance of combat units in the Army Guard, giving it a very large share of the Army's war-fighting capability. For example, the ARNG provides the following percentages of the total Army's combat capability: 33 percent of the combat divisions, 72 percent of the separate brigades, 57 percent of the armored cavalry regiments, 63 percent of the infantry battalions, 41 percent of the mechanized infantry battalions, 42 percent of the mechanized infantry battalions; 42 percent of the tank battalions, and, 48 percent of the field artillery battalions.

The Air National Guard (AANG) force comprises 13.4 percent of the personnel strength of the total Air Force. For the Air Guard, as for the Army Guard, a very large share of the force is in the combat elements that give it much greater significance then mere size. The ANG provides the following percentages of the total Air Force's combat capability—expressed as percentages of total air-

craft: 60 percent of air defense interceptors; 57 percent of tactical reconnaissance aircraft, 30 percent of tactical airlift aircraft, 25 percent of tactical fighter aircraft, and 17 percent of strategic tanker aircraft.

The National Guard is larger than all other components of the Selected Reserve combined. The Guard provides so great a share of the U. S. conventional war-fighting capability that the United States cannot successfully fight a conventional war of larger than brush fire proportions unless the Army and Air Guard are ready.

A full-time support force, fully manned and fully qualified, available for mobilization and deployment with National Guard units, is essential to defense. Whether the full-time support force is provided by National Guard technicians or National Guardsmen serving on full-time military duty under title 32, the personnel must be National Guard men and women who are fully qualified militarily and who must be available for mobilization with their units.

The basic purpose of the full-time support force, encompassing both National Guard technicians and full-time military personnel, is to provide a structure within which individuals in the Army and Air National Guard perform on a day-to-day basis those duties which initially will be required of them in military status upon mobilization, and which cannot be accomplished by assigned Nationa Guard personnel in a training status.

The National Guard technician program has, over the years, provided superbly qualified National Guard men and women dedicated to the production of the highest level of combat readiness possible. Much of the credit for the current relatively high state of National Guard readiness is due those technicians. The technician program has a proven record of providing a professional quality career force. However, today's technician program is not the program envisioned by the Congress in the Technician Act of 1968. Weaknesses have come to the surface which could limit attainment of the full combat potential of the National Guard in a situation which called for mobilization of American military manpower.

LIMITATIONS OF THE TECHNICIAN PROGRAM

The U.S. Constitution and Federal law clearly prescribe that the National Guard, when not in Federal service, is commanded and controlled by the several States. It is clearly evident that in the Technician Act of 1968, now codified as 32 U.S.C. 709, the congressional intent was recognition that, as a critical resource of the States, the National Guard technician force must be controlled by the States.

The following extract of 32 U.S.C. 709 demonstrates that fact:

(c) The Secretary concerned shall designate the adjutants general referred to in section 314 of this title to employ and administer the technicians authorized by this section.

(d) A technician employed under subsection (a) is an employee of the Department of the Army or the Department of the Air Force, as the case may be, and an employee of the United States. However, a position authorized by this section is outside the competitive service if the technician employed therein is required under subsection (b) to be a member of the National Guard.

(e) Notwithstanding any other provision of law and under regulations prescribed by the Secretary concerned—

(1) a technician who is employed in a position in which National Guard membership is required as a condition of employment and who is separated from the National Guard or ceases to hold the military grade specified for his position by the Secretary concerned shall be promptly separated from his technician employment by the adjutant general of the jurisdiction concerned;

(2) a technician who is employed in a position in which National Guard membership is required as a condition of employment and who fails to meet the military security standards established by the secretary concerned for a member of a reserve component of the armed force under his jurisdiction may be separated from his employment as a technician and concurrently discharged from the National Guard by the adjutant general of the jurisdiction concerned;

(3) A technician may, at any time, be separated from his technician employment for cause by the adjutant general of the jurisdiction concerned;

(4) a reduction in force, removal, or an adverse action involving discharge from technician employment, suspension, furlough without pay, or reduction in rank or compensation shall be accomplished by the adjutant general of the jurisdiction concerned;

(5) a right of appeal which may exist with respect to clauses (1), (2), (3), or (4) shall not extend beyond the adjutant general of the jurisdiction concerned;

Although Federal law clearly establishes the authority of the several adjutants general to administer the technician program, the inclusion of technicians under the title VII of the Civil Service Reform Act of 1978 limits the authority which adjutants general would otherwise have. The effect is that the States do not fully control National Guard technicians.

Federal law limits the number of National Guard technicians at 53,100. During fiscal year 1978, the National Guard was authorized and funded to employ 50,852 technicians. The Departments of Army and Air Force approved requirement for National Guard technicians was 59,418. Thus, at end fiscal year 1978, the National Guard was short 8,566 of the total number of technicians in Department of Army/Department of the Air Force approved and validated requirements as to the numbers really needed to do the job. The authorization, it must be stressed, has not for many years reflected the real need.

In addition to the limitation imposed by the congressional ceiling, a series of hiring freezes and civil service work force reductions have limited the National Guard's capability to hire an adequate number of technicians.

The Defense Manpower Commission in 1976 recommended the conversion of technicians to military status, noting a potential savings in 1975 of $270 million. The House Committee on Appropriations in reporting out the fiscal year 1978 Department of Defense appropriations bill estimated potential annual savings of $270 million. Subsequently, a Department of Defense full-time training and administration report concluded that the projected savings would probably not occur. Our view is that cost savings which might be achieved are insignificant. We believe that the cost savings which would accrue by providing full-time military personnel with only one retirement pay, as opposed to the two retirement pays for which technicians can qualify will be offset by the fact that full-time military personnel are eligible for medical care for themselves and their families. We do not consider cost an overriding factor.

National Guard technicians cannot qualify for civil service retirement voluntarily earlier than age 55. Understandably, most technicians want to remain in their technician positions until age 60, so that they can begin to receive their retired pay for National Guard military service at the same time they begin to receive their Na-

tional Guard technician—civil service—annuities. The result is that senior National Guard technicians are often too old to perform the rigorous field duty which their military positions require. This factor is particularly significant in view of the fact that 80 percent of all Army National Guard units are ground combat units.

Because National Guard technicians stay in National Guard units longer than nontechnicians, grade stagnation occurs. Because both National Guard technicians and nontechnician National Guard members must compete for the same limited number of higher military grades, upward mobility of both younger technicians and nontechnician members of National Guard units is limited.

The National Guard technician program exists only to produce military readiness. Yet most National Guard technician labor organizations oppose any vestige of military status when a National Guard unit it not in a paid training status. These organizations oppose the Department of the Army and Department of Air Force regulations which require technicians to wear the military uniform. Some of the leaders of these organizations even insist that a National Guard military commander lacks the authority to direct and supervise National Guard technicians during the work week.

In October 1978, the 185th Tactical Fighter Group, Iowa Air National Guard, was planning an operational deployment to Panama in performance of a U.S. Air Force mission. Because of a shortage of military funds, the National Guard Bureau authorized certain technician members of the unit to participate in this operational deployment in technician status. Because this meant they were required to wear the appropriate military uniform, the labor organization representing the technicians filed an unfair labor practice charge against the military unit commander and an official of the National Guard Bureau.

The unreasonable opposition of labor organizations to military control violates the very purpose of the National Guard technician program, interferes with military command and control, and impedes readiness.

It is apparently not widely recognized that National Guardsmen were utilized in a full-time military status to meet readiness requirements prior to the congressionally directed test program. In fiscal year 1978, 1,841 Army Guard men and women were on duty in military status performing such vital functions as career counselors, recruiters, and operational readiness specialists. In addition, 515 Air Guard men and women were serving in military status. Although these military functions could have been performed by National Guard technicians, authorization and funding limitations precluded employing additional technicians. The States had no problem filling these positions with well qualified personnel in military status.

During fiscal year 1978, the Department of Army developed the additive full-time manning (AFTM) program to improve the combat readiness of selected early deploying National Guard units. In fiscal year 1980, 1,108 AFTM positions are authorized. Although the States were not allowed to begin filling these positions until December 21, 1979, 702 positions had been filled with high quality personnel by March 30, 1980. Because of authorization and funding

limitations on the technician program, the additive military personnel could only be provided in a full-time military status.

The number of personnel authorized to perform full-time military duties in National Guard units is not artificially limited by congressional ceiling, or by administrative fiat, which limit the number of Federal employees which may be employed at any given time. The number of full-time military positions which can—or could—be filled each year is dependent only on the numbers authorized and funded by the Congress for the purpose of meeting the military readiness requirements of the National Guard.

The FTM program provides for clean, clear-cut military lines of authority. Since the National Guard commanders are responsible for everything their unit does, or does not do, 7 days a week, he must be permitted control 7 days a week.

The FTM program offers the opportunity to more adequately meet National Guard full-time support personnel requirements.

The FTM program, because of the early retirement potential, can alleviate the aging force problem and provide greater upward mobility by providing some relief in the grade stagnation problem.

Based on performance to date, it appears that adequate numbers of well qualified National Guard men and women can be recruited and retained in full-time military manning positions.

In its report to accompany the fiscal year 1979 Defense appropriations bill, the House Committee on Appropriations said:

> The Committee recommends the establishment of a test program within each of the remaining Reserve component organizations to determine their ability to attract and hire personnel in an active duty status by:
>
> (1) Converting the full-time training site support to military personnel in lieu of using commercial contract as proposed in the budget;
>
> (2) Filling all vacancies which occur in positions currently held by 'status quo' technicians with full-time reservists on active duty; and
>
> (3) Filling all positions not manned at the end of fiscal year 1978 and all new positions added to the structure in fiscal year 1979 with full-time active duty military support. Although dual status technician vacancies can continue to be filled by dual status technicians, the Committee believes that the Chiefs of the Reserve forces should also attempt to fill some of these vacancies with full-time military support.
>
> This test program will give the Reserve components an opportunity to determine if they can recruit personnel to fill these positions with full-time military personnel. Also, it may be necessary to change certain military personnel policies, such as regular rotation. The prolonged test period will provide an opportunity to compare any innovation that the Reserve Components desire to make with the Navy and Marine Corps programs and the current dual status technician program.

The committee report went on to describe a program for conversion of National Guard techician spaces, not technicians to full-time military poitions. The committee did, however, direct the conversion of positions then held by Air National Guard technicians at field training sites and air-to-air gunnery ranges to full-time military positions. Other than those technicians who were converted to full-time military positions by congressional direction, no National Guard technicians have been forced to convert to full-time military positions.

The fiscal year 1979 budget called for 1,042 ARNG technician spaces to be converted to full-time military manning—the CFTM or test program. At the end of the third quarter of the fiscal year, 1,098 vacant positions had been converted to military manning. For the ANG, the fiscal year 1979 budget called for the conversion of

364 technician positions. By the end of the third quarter, 437 vacant positions had been converted to full-time military manning. In the Air National Guard, this test program is called military full-time training and administrtion (MFTTA).

The ARNG fiscal year 1980 budget calls for the conversion of an additional 2,119 vacant technician positions for a total of 3,161 CFTM positions. Of that number, 2,359 positions had been filled by March 30, 1980, notwithstanding the fact that fiscal year 1980 appropriations were not made available until December 1979.

In addition, 1,108 ARNG AFTM positions are authorized in the fiscal year 1980 budget. Of that number, 702 positions had been filled by March 30.

The ANG fiscal year 1980 budget calls for the conversion of an additional 309 vacant technician positions to be converted for a total of 746 positions. Notwithstanding the lateness of the fiscal year 1980 appropriation, 630 of the ANG MFTTA positions were filled on March 30, 1980.

The National Guard Bureau has reported that the several States are confident that all CFTM, AFTM, and MFTTA positions will be filled on July 1, 1980. That performance is especially significant since the National Guard has only been permitted one-half of fiscal year 1980 to achieve the full fiscal year's objective.

The National Guard Bureau reports that the men and women who have been appointed to full-time military positions are well qualified personnel.

The following table depicts the military grade spread of the personnel serving in full-time military manning positions as of March 30:

ARNG						ANG			
06	5	W4	13	E9	7	06	E9		6
05	23	W3	28	E8	40	05	3	E8	8
04	69	W2	20	E7	419	04	29	E7	44
03	163	W1	11	E6	786	03	58	E6	145
02	47			E5	905	02	4	E5	216
01	45			E4	355	01	8	E4	74
				E3	123			E3	25
				E2	2			E2	8
								E1	2
Total	352	Total	72	Total	2,637	Total	102	Total	528

Those military grades match the military skills required by the positions filled.

Assuming that the filling of 3,907 CFTM and MFTTA positions, plus 1,108 AFTM positions, is a large enough sample, surely the question asked by the congressionally directed test program has been answered.

Some complaint has been raised, and you, yourself sir, this morning have asked the question several times about the fiscal year 1981 budget. The fiscal year 1981 budget does authorize an increase in the CFTM and the MFTTA, which is the Air Guard term for

65-444 O - 80 - 7

CFTM programs, even though the test program terminates July 1, 1980.

The full-time support personnel for the National Guard must be budgeted or planned for someplace, whether as FTM or as National Guard technicians. Given the current success of the FTM program, it is not at all surprising that the Department of Defense has budgeted an increase in the CFTM and MFTTA positions. If the final decision recognizes the current success of the FTM program, the fiscal year 1981 budget is right. If the final decision is to terminate the CFTM program, those FTM positions that are added in fiscal year 1981 can be converted to technician positions by the simple device of adding money to the Army and Air National Guard operation and maintenance appropriations.

The National Guard Association of the United States values the outstanding services that have been, and continue to be rendered by technicians. Therefore, we insist that the CFTM and the MFTTA programs be administered cautiously and judiciously so as to insure that no currently employed technician suffer any loss of pay, benefits, or promotion opportunity.

We would oppose any forced conversion of National Guard technicians now or in the future, and we would consider any forced conversion now or in the future to be a breach of good faith and a breach of contract.

Considering that the fiscal year 1981 budget increase the CFTM and MFTTA programs by only 4,158 of the 44,155 technician positions authorized at end fiscal year 1980, the DOD, CFTM and MFTTA programs seems cautious and judicious. The conversion of technician spaces will, if approved, continue on an attrition basis. Since there will be no forced conversion, no currently employed technicians will lose pay, benefits or promotional opportunity.

Again, Mr. Chairman, I thank you for the opportunity to present the views of the National Guard Association and I will be more than pleased to attempt to answer your questions.

Mr. ALBOSTA. General, you have answered most of them, but I do have a couple here left that we might touch on for the record. One would be, have there been any problems in implementing the test program that you have not touched on already?

Mr. GREENLIEF. Yes, sir, this program is a major change in policy, widely misunderstood in the field, tremendous amount of misinformation, either accidentally or deliberately provided to the people in the field and it generated a lot of turmoil and opposition. Yes, there have been problems. But the fact that the problems are being overcome seems to be demonstrated by the proof of the performance. Nor would I suggest that there will be no problem downstream.

For example, if it is concluded that this conversion program will work and can provide the number of people required, and I, for one, would prefer to see a larger test, but the opponents of the test keep wanting to cut it back. So the judgment must be made on the basis of the numbers available. A larger test would be helpful. We would have a better chance to wring out all the problems.

If the program, however, is concluded by the Department of Defense and the House Appropriation Committee who asked the question, to be a success, then the conversion period will be a long

time. If it stays on an attrition basis, which is the only basis the National Guard Association would support it on, you are probably looking about a conversion time of at least 10 years, possibly longer. That being the case, the problem that General Ahner raised of having to manage so many different personnel programs will continue for quite some time.

I am not in a position to judge yes or no, that it is a success right now. I do say, our Association says, that the numbers thus far, the quality of the personnel thus far, the grade spread of the personnel thus far, indicates that in the National Guard we can fill those positions on a full-time military basis. If we can fill them with qualified personnel, that greatly will improve the effectiveness and the combat readiness of the National Guard and that is the way we would want to go. But that judgment is not to be made until after the test period and we go into the evaluation period.

Our association is not making that judgment. We will then take a final position, when all those results are in. But at this point in time, surely it points to a very successful program.

Mr. ALBOSTA. On page 7 of your statement, you suggest that technicians contribute to grade stagnation, which affects the mobility of younger civilian and military personnel. Would not this stagnation be a problem in an all-military force, since personnel would still have to compete for a limited number of higher grades?

Mr. GREENLIEF. The problem is offset, Mr. Chairman, because of the earlier retirement of the military program. In the technician program, the technician cannot voluntarily retire earlier than age 55. Because they are sensible men, they want to stay to age 60 so they earn the larger retirement and get their National Guard retirement at the same time. As a result, they tend to stay in those jobs much longer.

If they were a full-time military status, they could qualify for military retirement at 20 years of service. That is a military retirement, noncontribution, no contribution on the part of the member. They can retire upon completion of 20 years of service. That is a very good retirement. Technicians would then be encouraged to get out earlier and go on to other employment if they sought, just as occurs in the active services.

Our judgment is that that earlier retirement will provide great upward mobility in the program. It will give us younger technicians and younger full-time military people, and younger non-full-time members of the National Guard, make them younger, and it will provide them a greater promotional opportunity. We think it will really improve the viability of our force.

Mr. ALBOSTA. Do you feel, then, from that statement, that the younger personnel is much better suited to the National Guard? The training of someone that might be 40 years old, do they become too old then to serve in the type of positions that they hold now?

Mr. GREENLIEF. Mr. Chairman, the general answer to your question is yes, the youth is very, very important. There are, however, exceptions. We point out that the Army National Guard is 80 percent combat in its unit structure. 80 percent of the Army National Guard units are combat. A very high percentage of the Air National Guard units are combat. Now there is a difference be-

tween Army and Air. Army Guard combat units go to the field and they must live in the field. In the Air National Guard, maintenance personnel work at an airbase that is a little further to rear, and they do not have the rigorous physical demands that an infantry soldier does.

Nevertheless, in combat an airman has a very trying time. His living conditions are not as tough as an Army soldier, but it is a very trying, demanding circumstance, and yes, they can do a better job if they are younger. It is a trade-off of skill for stamina and the ability to keep going long hours and many days.

Mr. ALBOSTA. Thank you very much, General. I appreciate your testimony here this morning.

We are going to recess this subcommittee hearing until Thursday at 9:30 a.m. in the same room.

Mr. GREENLIEF. Thank you, Mr. Chairman.

[Whereupon, the subcommittee adjourned at 12 noon, to reconvene at 9:30 a.m., Thursday, May 1, 1980.]

CIVILIAN TECHNICIAN PROGRAM

THURSDAY, MAY 1, 1980

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INVESTIGATIONS,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The subcommittee met, pursuant to adjournment, at 9:39 a.m., in room 304 of the Cannon House Office Building, Hon. Donald J. Albosta presiding.

Mr. ALBOSTA. We will continue this hearing this morning. Today we will continue the subcommittee's examination of the status of the civilian technician program.

I am starting out real badly this morning with my words. I have not had my second cup of coffee, and I am running into some problems.

We have already heard testimony from unions representing civilian technicians and from associations representing the adjutants general and the officers of the National Guard. Their testimony revealed questions about the various aspects of the technician program, particularly its costs and the role civilians should play in military organizations such as the Reserve components. Several witnesses have indicated their feeling that the technicians' civilian status may be affecting military control and causing management problems. Other witnesses indicated that they felt the Reserve could not function without the civilian technician.

Today we will continue to consider the value and place of the civilian technician program in supporting Armed Forces readiness and whether full conversion can provide the Reserve the same high level of service as the present system.

Our witnesses this morning first will be Mr. James Peirce, national president of the National Federation of Federal Employees. He will be accompanied by Mr. Gene Raymond, executive director, and Mr. Paul McNaught, national vice president.

STATEMENT OF JAMES M. PEIRCE, NATIONAL PRESIDENT, NATIONAL FEDERATION OF FEDERAL EMPLOYEES, ACCOMPANIED BY GENE RAYMOND, EXECUTIVE DIRECTOR; PAUL McNAUGHT, NATIONAL VICE PRESIDENT, WOBURN, MASS.; AND RON KIPKE, PRESIDENT NATIONAL FEDERATION OF FEDERAL EMPLOYEES LOCAL 1655, GLEN ELLYN, ILL.

Mr. PEIRCE. To identify for the record, Mr. Chairman, our national vice president, Paul McNaught, is sitting on the extreme right. He is a Guard technician. On my direct right is my executive director, Gene Raymond. He is an ex-National Guard technician,

and on my left is Ron Kipke, who is currently president of our National Guard council.

I would like to request that our statement be made a matter of record, and I will briefly summarize what we have, with a few additions.

Despite civilian technicians' demonstrated value to our Nation's defense, there have been repeated attempts the past few years to completely eliminate this occupational group. The latest is a conversion to full-time military test programs, commonly called the CFTM. Our opponents give several reasons for wanting to abolish the civilian technician program, the most important being cost, readiness, and unionization. The truth, however, is that unionization is the only motive. The most comprehensive report to date on civilian technicians, the report on full-time training and administration of the Selective Reserve, found that converting civilian technician positions to full-time military could result in an increased annual cost of approximately $200 million because of the additional support personnel needed for an active duty force. It may be even more when you consider that compared to civilian technicians, a much larger portion of a serviceman's compensation is nontaxable. With those facts in mind, even General Greenlief, executive vice president of the National Guard Association, and one of the leading advocates of the CFTM, testified before this committee late Tuesday, and said we do not consider cost an overriding factor.

When discussing the readiness problem, our opponents cite the supposedly large number of civilian technicians who no longer hold dual status in the Guard Reserves, and the civil service, and who therefore, are unable to deploy with their military units when they are called to duty, yet less than 1 percent of the civilian technician work forces are in this status quo category, 99 percent are dual status, and are able to provide their skills and know-how during both peacetime and crisis. Status-quo technicians are not a serious problem, certainly not serious enough to warrant the elimination of an entire occupational group. Besides, if our opponents are so concerned with readiness, why are they not similarly concerned with the restrictions on the active duty replacements for civilian duty technicians. Although they, too, are under title 32, they must go through a lengthy procedure in order to deploy with their Guard units when they are called to duty by the States.

Furthermore, active duty personnel brought in under the additive full-Time manning program to increase support for Guard and Reserve units in lieu of civilian technicians, are under title 10, regular military.

The Governors have little if any control over these forces, so in addition to weakening the Guard's stateside capability, the CFTM and the AFTM represent fundamental deviations from the historic role of the Guard as a State militia. The cost and readiness arguments are simply red herrings to divert Congress from the true motive of the CFTM and its predecessors anti-unionism.

In 1977, when the wearing of uniforms became negotiable, General Greenlief, and many adjutants general had had enough of union representation for civilian technicans and began the crusade to get rid of them. The CFTM is the latest attempt, and is virtually

preordained to recommend further conversions. Indeed, in fiscal year 1981 budget requests, DOD has already scheduled additional conversions. Indeed, in fiscal year 1981 budget request, DOD had already scheduled additional conversions under the assumption that the CFTM will be found a success and more cost effective.

NFFE strongly asserts that unions help protect the rights of civilian technicians and make it a better overall workforce. Civilian technicians should not lose their jobs simply for exercising the same rights that belong to all American workers, especially since it would weaken our Nation's defense posture. Congress must recognize the CFTM as an antiunion scheme, and put an end to it once and for all.

That concludes my brief statement. My executive director will have a little bit to add to that, Mr. Chairman.

Mr. RAYMOND. I would like to begin, Mr. Chairman, by quoting General Lew Allen, Jr., who is the Chief of Staff of the Air Force. It was noted in the Air Force Association Magazine in December, that he said:

> The technician force has contributed magnificiently to readiness in the ANG and the Air Force Reserves. The technician force has achieved unparalleled success in attributing and retaining quality individuals in technician positions and programs. Full implementation of the current test program, I believe, will see a stable force replaced by transient force, and low readiness replace high readiness. Implementation of such a program would cause military forces to lose much and gain little.

I would like to pick up there, and from my observation as a National Guard technician. Having gone through an aircraft conversion, I noted that a lot of the maintenance which was required to be done by military types on active duty was not that which we found acceptable in the Air National Guard program. Many National Guard pilots would rather fly a plane maintained by an air technician, than one maintained by an Air Force sergeant, or an Air Force NCO.

We feel that we get better maintenance from the stable workforce of the technician program. We do not think that the CFTM program will allow the type of maintenance we need because we feel that the technician program cannot recruit the type of quality individuals they need.

We also understand that they are not having any problem in getting people to take administrative jobs, but they are having quite a problem in getting people for technical positions like avionics, radar maintenance, radio maintenance, and things of that nature.

I would like to close my statement by reminding you, or reminding the committee, of an old maintenance slogan, and that is, "If it ain't broke, don't fix it." I feel the technician program is working so well now, and I do not see why we should tamper with it at this point.

That concludes my statement. I will be glad to respond to any questions you might have, sir.

[The prepared statement follows:]

STATEMENT OF JAMES PEIRCE, PRESIDENT, NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Mr. Chairman: My name is James Peirce and I am president of the National Federation of Federal Employees. NFFE represents one of the largest groups of National Guard and Reserve civilian technicians, and I appreciate the opportunity to appear today on their behalf.

Probably few employees in history, and certainly none in the Federal sector, have been as harassed for exercising their rights as members of the American labor force as civilian technicians. Since 1977, they have been constantly threatened with either loss of employment or pay by powerful interests who no longer accept technicians' unique status as civilians serving our Nation's military needs.

For over sixty years, civilian technicians have helped maintain the Guard and Reserves as an effective fighting force. Beginning with the National Guard in 1916, as each Reserve component in the Army and Air Force became a key link in our national defense and, therefore, in need of full-time administrative, training, and maintenance support, civilian technicians were called upon to provide it. The Defense Department could have assigned active duty personnel to this critical mission. But then, as now, civilian technicians were recognized as the group best able to accomplish the task. Today, technicians are stationed in every state and territory in the Union, at thousands of bases and armories, constantly ensuring that our Guard and Reserve forces are ready to meet any foreign or domestic crisis.

Yet, despite their proven value to the Nation, the Conversion to Full-Time Manning test program (CFTM) -- the subject of today's hearing -- is but the latest in a series of recent attempts to either completely abolish the civilian technician workforce or its long-held right to union representation.

The first was in 1977 when Section 856 of the Defense Appropriations Bill for Fiscal Year 1978 prohibited the hiring of additional technicians beyond October 1, 1977. If it succeeded, technician positions would have disappeared after a number of years through attrition. But on June 30, 1977, by a vote of 288-19, the House removed Section 856.

Soon after came S. 274, the bill prohibiting unionization of the military. Regardless of the fact that technicians are civilian employees, they too were included in the legislation. Fortunately, the House Post Office and Civil Service Committee struck this provision when it considered the bill and Congress, with little debate, wisely agreed to the change.

Now it is the CFTM, a more subtle method than the previous two but nevertheless conceived as a way to eliminate all civilian technician positions. Begun early last year at the request of the Defense Appropriations Subcommittees, the CFTM is supposed to determine (1) whether active duty military can be recruited in sufficient numbers to replace technicians and (2) "the

best copy available

desirability of elimination of dual-status technicians [those able to mobilize with their Guard or Reserve units] either completely or only for certain reserve components, cost-effectiveness of technicians versus full-time military, impact on readiness, etc." (House Appropriations Committee Report 96-450). As you shall soon see, though, the CFTM is designed simply to legitimize the ongoing effort to rid DoD of civilian technicians.

Why are the technicians, with their long and distinguished service record, suddenly being threatened with extinction? Why, at the very moment the all-volunteer force is finding it impossible to meet its recruitment goals, are we now seeing this attempt to replace an entire, and historically valuable, civilian occupational group with active duty military?

Ostensibly, the three major reasons for the CFTM and its predecessors are: cost effectiveness, "status quo" technicians, and unionization. Upon close examination, however, we can all but eliminate the first two.

It is not my intention to oversimplify an issue on whose outcome rests the future financial security of thousands of employees and their families. But it is truly as basic as I have implied, and the Committee and Congress must be wary of people who claim differently. Otherwise, you would fall victim to those who wish to hide the truth under layers of complexity and to lead you into thinking it is another issue entirely.

COST EFFECTIVENESS

The definitive study on civilian technicians is the "Report On Full-Time Training and Administration of the Selected Reserve." Conducted by the Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) and completed in 1978, the Report provides the most detailed analysis yet of the comparative costs of the civilian technician workforce versus full-time military.

The Report considers the wide array of costs associated with each group of personnel. For technicians, they are: base pay, including cost of living allowances, holiday, Sunday, and hazardous pay, premium and night shift differential, severance pay, lump sum leave, life insurance cost to the Government, workman's compensation, unemployment compensation, state retirement, and social security contributions; health benefits; operation and maintenance support (items such as compensation for suggestions and awards, permanent change of station moves, and training); civil service retirement (24.7 percent of base pay); and reserve pay.

For active-duty military they are: base pay; quarters allowance; miscellaneous compensation (for things such as uniform maintenance and death gratuities); subsistence allowances; lump sum leave; flight pay; social security contributions; cost of living allowances; and housing allowance.

As you can see, the Report considered almost every conceivable item that generated an expense. Yet, when the total costs were compared, the report concluded: "Based on an arbitrary one-for-one analysis of the technician costs versus the military costs, the overall cost difference is not significant enough to warrant a change to a full-time military force."

But unlike previous studies, the Report considered one other factor associated with cost: the number of support personnel needed for active duty military compared with civilian technicians. Without going into its detail, the Report concluded, "with conversion to a military ... force a requirement could exist for an additional 12,000 personnel ..." And, "... these additional personnel could result in an additional annual cost of approximately $200 million." (emphasis added)

In fairness, I should add that a memorandum was inserted at the beginning of the Report prior to release. Among other things, the memo said, "If wage grade salaries continue to increase at the relatively higher rate of the past 6 years, then the technician program could cost approximately $370 million per year more that an active military program in 10 years." It seems rather odd, however, that the Report itself, with its overall attention to detail, including blue collar pay, never mentions this possible expense. Indeed, there is nothing in the text to substantiate this projection. Could it be that someone in the

higher echelons, after reading the Report and realizing it overwhelmingly favors retaining the civilian technician workforce, tempered these findings with most everyone's favorite "whipping boy" -- the Federal Wage Grade System? If so, then it is not surprising that the memorandum's statement is quite vague; referring to potential costs a decade in the future.

Whoever chooses to concentrate solely on the actual Report, as I have, must conclude that cost effectiveness could not be a factor in the effort to replace civilian technicians with full-time military personnel.

STATUS QUO TECHNICIANS

The second major reason our opponents give for wanting to eliminate civilian technicians is the number of "status quo" technicians now populating the workforce. But just a cursory glance at the figures shows that this argument is as invalid as the one involving costs.

The vast majority of civilian technicians hold dual status in both the civil service and the Guard or Reserves. In the event their military components are called to active duty, dual-status technicians, just like all other members of the Guard and Reserves, deploy with their units.

Status quo technicians are those who have lost their military status. For a variety of reasons, many of which were beyond their control, they can no longer mobilize with their military units.

Many defense analysts claim that dual status is the most valuable asset of civilian technicians, since it allows their knowledge and experience to support their units during both peacetime and crisis. In fact, under the terms of their "excepted" employment, civilian technicians with the Army and Air Force National Guard must hold dual status and can be separated if they lose it.

Army and Air Force Reserve civilian technicians, however, are in the "competitive" civil service. Although they too are required to hold dual status, the Office of Personnel Management has ruled that they cannot be separated if they lose it "through no fault of their own."

Our opponents argue that the greater employment rights of civilian technicians in the competitive civil service -- those serving the Reserves -- are generating large numbers of technicians without dual status and are damaging the overall readiness of the Guard and Reserve forces. When trying to make this point, they invariably cite the 20 percent of Army Reserve technicians who are status quo. Yet, only 2 percent of Air

Force Reserve civilian technicians are status quo, and they too are in the competitive civil service. Further, there are thousands more Guard technicians, of which 95 percent are dual status, than those serving in the Reserves. So many more in fact, that when the Guard and Reserves are taken together status quo technicians comprise just 0.6 percent of all civilian technician personnel; hardly a signficant portion.

Moreover, if our opponents are so concerned with the ability of civilian technicians to deploy with their military units, why are they not similarly concerned with the impact of the Additive Full-Time Manning Program (AFTM)? Begun at about the same time as the CFTM, it is also designed to increase full-time military support for Guard and Reserve units in lieu of civilian technicians. But instead of replacing civilian technicians with active duty personnel, the AFTM is supplementing technician positions with regular military serving under Title 10, U.S.C.

Unlike civilian technicians and their CFTM replacements, both of whom can respond to a call to duty from either a state or the Federal Government, Title 10 forces take orders only from Federal officials. The Governors have no jurisdiction over them.

Hence, when there is a state emergency requiring the services of the National Guard, AFTM personnel could not deploy with their units. If, on the other hand, more civilian technicians were hired to increase full-time support, they could deploy just as they have always done in the past.

The AFTM is seriously eroding state sovereignty over the National Guard by infiltrating its forces with Federal personnel which the Governors cannot control. This is a fundamental deviation from the historical concept of the Guard, and will actually weaken its ability to achieve maximum readiness.

The impact of the AFTM contradicts one of the stated purposes of the CFTM and serves to reinforce our contention that the readiness problems associated with status quo technicians have been greatly exaggerated. Certainly, these problems should be corrected without resorting to the wholesale replacement of an extremely valuable component of our National defense, especially with personnel legally incapable of fulfilling the same responsibilities.

UNIONIZATION

Once cost and status quo technicians have been ruled out as valid arguments for replacing the entire technician workforce, only unionization remains. NFFE has maintained all along that

unionization, or more precisely, the wearing of uniforms, is the sole reason our opponents are trying to abolish all technician positions.

Although unions have represented civilian technicians for many years, it was not until 1977 that they apparently became a problem. In that year, the Federal Labor Relations Council ruled that wearing of uniforms by civilian technicians was a negotiable item under Executive Order 11491 (FLRC Report Number 120, January 19, 1977).

Several months later, the Federal Service Impasses Panel clarified the ruling by stating that when a National Guard or Reserve unit could demonstrate that wearing of uniforms was essential to its mission, civilian technicians would have to comply (Case Number 77, FSIP 18, August 26, 1977). Please note that no unit since has satisfactorily shown that wearing of uniforms is so essential.

Civilian technicians have always resented having to wear uniforms. It is not that they want complete freedom to choose their work clothing, because their dress still must comform to a negotiated "standard of civilian attire." Rather, they are firmly committed to their status as civilian employees and uniforms, with their attendant military connotations, belie this status.

65-444 0 - 80 - 8

On the other hand, many unit commanders are equally adamant in their belief that civilian technicians are essentially military personnel. As such, they should wear uniforms and be subject, even when on civilian duty, to military rules and regulations. Until 1977, the commanders prevailed because civilian technicians had no recourse in the matter. But once wearing of uniforms became negotiable, many Locals bargained successfully to abolish it as a requirement of their jobs.

On the surface, perhaps, the uniform issue may seem too minor to have caused such a serious reaction. Yet, the sequence of events is too closely spaced to be mere coincidence. The FLRC decision regarding uniform negotiability was issued January 19, 1977. Requests for reconsideration were denied on May 18, 1977. Section 856 was before the House just weeks later; then S. 274; and now the CPTM.

As further evidence of the extreme measures certain officials are prepared to take in reaction to the FLRC decision, one need only look at the problems of NFFE Local 1665, the exclusive representative of civilian technicians serving the Puerto Rico Air National Guard. In the summer of 1978, the Federal Service Impasses Panel sided with Local 1665 in ruling that its civilian technicians will not be required to wear military uniforms. The Adjutant General of Puerto Rico, however, has ignored the FSIP ruling for the past two years, even though he is on tenuous, if

not non-existent, legal grounds. NFFE has filed an Unfair Labor Practice complaint in an effort to force the Adjutant General to comply with the law, but the ULP could take another year to resolve. In the meantime, the AG still shows no sign that he is willing to obey a decision by the body established by Congress as the last resort for settling disputes in this matter.

So it is not unionization in general that threatens civilian technicians but rather the recently gained right of technicians to negotiate through their unions on whether they must wear uniforms.

Now that the true intent of the conversion test program has been identified, as well as related attempts to harass civilian technicians such as the current rash of downgradings, it should be no surprise that its results are virtually preordained to recommend further conversions. In fact, the Defense Department is so confident the CFTM findings will be positive, that it has recommended approximately 4,000 additional conversions of civilian technician positions to full-time military in its fiscal year 1981 budget request. This was done not only before the CFTM evaluation was completed, but before the test itself will finish on July 1 of this year. As Major General William R. Berkman, Chief of the Army Reserve, said in testimony before the House Armed Services Committee, "These conversions ... are based on earlier indications that the test would be successful and that Congress will support its continuation."

It is NFFE's hope that Congress soon will recognize the anti-unionism pervading this issue and not support the continuation of the CFTM. But it must act quickly. DoD's FY '81 budget request must be amended to prohibit additional conversions. Otherwise, the precedent would be set for DoD to continue with its systematic elimination of technician personnel. A sound national defense program, the rights of a significant segment of the Federal workforce, and the financial security of thousands of employees and their families, are sufficient grounds for Congress to put an end once and for all to this anti-union scheme.

That concludes my statement. I will be happy to answer any questions.

Mr. ALBOSTA. Do any of the rest of you have any statement that you want to make?

Mr. MCNAUGHT. I have a brief one, if I may, Mr. Chairman. I am currently a National Guard technician, Army National Guard, and I work with some personnel in the FTM program, and from my observation it is very obvious that the quality of personnel in the FTM program is not as great as those in the technician program, and it is simply stated that the technician program is going downhill with the influx of the FTM personnel. They just cannot obtain the qualified people that they claim they can. That is as simply as I could put it, sir.

Mr. ALBOSTA. I have a few questions I would like to ask you.

Has the test program been designed and conducted to give a fair picture of the Reserve's ability to attract skilled personnel to convert its slots at all grade levels, in your opinion, any of you gentlemen?

Mr. KIPKE. I will respond to that.

On the Air National Guard side, they were allowed to convert technician positions. In other words, those incumbents that were in the position were allowed to convert, so therefore you probably will have a cross section of that aspect on the Army National Guard side. They were trying to recruit to fill vacant positions, and in some cases they have accomplished that. We feel that the individual that is filling those positions is normally of a less qualified nature than a technician would be. When you hire a technician, you have a position description that has qualification standards in it, and everyone of those standards must be met. Otherwise, a technician cannot be hired at that grade level. That is not true in the CFTM program, so we feel that the caliber of the people that we are getting is not what we would like to see in the program.

Mr. ALBOSTA. Is that so at all grade levels?

Mr. KIPKE. I would say so, yes.

Mr. ALBOSTA. Are the reserve components going to be able to attract, and retain adequately skilled personnel to fill—more importantly, retain—adequately skilled personnel to fill technician slots?

Mr. PEIRCE. We do not think so, Mr. Chairman, for several reasons. Historically, as far as the National Guard, and I think also the Reserve programs fall in that category, too. There has been, I think as far as native sons of States, an influx into the technician programs of technicians with a community of interest with the city, the town, the State, and so forth. This in itself, we feel—and we have been told so by many of the AG's, and also a lot of the technicians—enhances the recruitment program because in the State, or the city itself, knowing the technicians, this tends to draw the recruits in. Now, when you have transients, or full-time military, we are not going to have this community of interest. And again, we do not have, I do not think, the esprit de corps statewise, that we would have maintaining the technician program.

Mr. ALBOSTA. Would using technicians provide a more stable work force?

Mr. PEIRCE. You know, we have had many studies by GAO, and others, not just in this area, but also in the use of civilians in the Military Forces, and the whole, I think, justification for that is to provide stability.

We know that due to the transientness of military personnel, civilians provide a stability there that maintains the continuity on a day-to-day basis that you do not have with military, and that is just the nature of a military unit.

Mr. ALBOSTA. Do you feel that the presence of the unions in the civilian population of the Reserve components interferes with proper military discipline and control?

Mr. PEIRCE. No, sir; to the contrary. I think if CFTM goes, and we have the full-time military aspect of it, the AG, and in turn the Governor, is going to lose control because they will not be in control of the military personnel, per se. They will not even be able to call them up, as far as a State crisis, without going through this long, lengthy procedure, and in essence, the crisis may be over by the time that occurs, or something may have happened that, in other words, would have been very disastrous.

Mr. RAYMOND. Let me add to that, Mr. Chairman, that some of the adjutants general feel that they are losing control because of the presence of the union, and I might add here that in all cases—and it is subject to a law that was passed in 1968, Public Law 90-486—the adjutants general have sole authority on all but three areas. Those three areas are classification, EEO complaints, and unsatisfactory performance ratings. Now, if they negotiate differently at the local level, then that is their own little negotiated procedure, but by statute, the only three things that they do not have sole authority on are EEO complaints, classification, and unsatisfactory performance ratings.

At this point, I would like to also add, and I meant to bring it up in my original statement, that this committee, or subcommittee, heard from General Greenlief, who is the executive director of the National Guard Association, on Tuesday regarding his association's

feelings on the CFTM program. I do not think it is widely known, and I do not think the subcommittee knows, but in Cleveland, Ohio, in October of 1979 when the National Guard Association met, they passed a resolution which stated in effect regarding the CFTM program, "Do not tamper with the technician program until the test results are in." They had no problem going with the test program, but "let us not do anything further until we see what the test results bring." I think he is stepping a little bit out of bounds, and from what I have heard from some of the members of the National Guard Association, and I used to be a member of the Association, it was that they really planned to give him a little bit of a problem in September when they meet in Las Vegas, because he is not following the mandates of the convention.

Mr. ALBOSTA. Do you have any further questions?

Mr. TAYLOR. I do not believe so.

Mr. ALBOSTA. I do not have any further questions of the witness, or witnesses this morning. We have other witnesses this morning who will be testifying. We appreciate your coming here this morning.

Mr. PEIRCE. Thank you, Mr. Chairman, for the opportunity.

Mr. ALBOSTA. Our next witness will be Mr. Charles Hickey, national vice president of the National Association of Government Employees. He will be accompanied by Anne E. Sullivan.

You may begin your testimony.

STATEMENT OF CHARLES HICKEY, NATIONAL VICE PRESIDENT, NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES, ACCOMPANIED BY ANNE E. SULLIVAN, LEGISLATIVE DIRECTOR

Mr. HICKEY. Mr. Chairman, and members of the subcommittee, for the record I am Charles E. Hickey, national vice president of the National Association of Government Employees. Accompanying me is Anne Sullivan, our legislative director.

Before I begin my formal statement, Mr. Chairman, I wanted to call to your attention a resolution regarding the civilian technician conversion test program that was passed by the Tennessee National Guard Association, and the Enlisted Men's National Guard Association. The resolution is interesting because it proves that the views presented by the National Guard Association of the United States at your hearing on Tuesday are not unanimous. In fact, I wonder whether the National Guard Association's National Office even consulted its members, or whether from their ivory tower here on Capitol Hill they decided that they know what is best for their members.

The resolution reads:

Whereas, since its inception, the full-time technician program has proven to be a major factor in the development of the National Guard into a viable force, and whereas continuation and amplification of this program will insure future growth, advancement, and increased mobilization readiness, and whereas attempts to dillute this program through the conversion of full-time technician positions to active military will have a long range adverse effect on the very areas it is intended to enhance, and whereas the cost, loss of efficiency, and turmoil created through implementation of such a program are both unjustifiable and unnecessary, and whereas the full ramifications of this program have not been adequately explained or researched as to its long-range effect upon overall readiness of the National Guard, now therefore be it resolved that we, the members of the National Guard

Association of Tennessee, assembled in Nashville, Tennessee, this 22nd day of March 1980, strongly oppose any current, or future effort to convert full-time technician positions to active military or any other program which would lead to the eventual demise, downgrading, or dilution of the national guard full-time technician program.

On March 29, 1980, at Chattanooga, the Enlisted Men's National Guard Association of Tennessee adopted the same resolution.

We appreciate the opportunity to testify, Mr. Chairman, on the Department of Defense civilian technician program. Your interest in this program provides a needed forum for discussing a test program which signals the destruction of a vital element of our national defense system.

The civilian technician program is essential, both in terms of the readiness of our Armed Forces and the ability of our National Guard to meet situations of national disaster. This program provides full-time support functions for the Air and Army National Guard and the Air Force and Army Reserves. Civilian technicians repair and maintain all equipment used by their respective Reserve Forces so that it is in top notch condition when mobilized.

This equipment, including tanks, trucks, jets, radar, and communications hardware and software, is also used for reserve training purposes and must be repaired and maintained after each weekend and annual training session.

Our Reserve Forces cannot carry out their mandate of supporting Active Forces without well-maintained equipment. Troops are not mobile without transport ready to go at a moment's notice. Lives are needlessly in danger if our jets malfunction. And the essential flow of information collapses when communication equipment goes out. Further, what would happen to the victims of floods, earthquakes and other national disasters if local National Guard units were trapped at their bases unable to reach the scene of the disaster because of faulty equipment? And what good could a guardsman do if he reached a disaster site only to have his helicopter or truck break down. In short, the support functions performed by civilian technicians are the backbone of reserve force readiness.

The unique dual status of civilian technicians—that is, civilian DOD employees who are also trained members of the Reserves or Guard—provides a model of the cooperation between the civilian and military sectors that is essential in time of war. No war effort can be successful without support from communities across the Nation. Our civilian technicians provide an important military-civilian link during peacetime. Reservists and guardsmen are our next-door neighbors, the parents of our children's friends, and individuals integrated into our community lives. From this local base they provide full-time support for our Reserve and Guard Forces. Consequently, they tie the two worlds together, generating local interest in and awareness of the needs of the military. In addition, they are perhaps our most qualified reservists as they daily practice and hone the skills they will rely on when and if called to active duty.

Unfortunately, actions being taken by the Department of Defense threaten to destroy this important civilian defense workforce. A test program has been initiated which is converting civilian technician positions to full-time active duty military billets. As a result of this test program, 2,274 positions in the Air and Army

National Guard and the Air Force and Army Reserves had already been converted by the end of fiscal year 1979 and over 3,000 more slots are in the process of going active duty this fiscal year for a total of approximately 5,500 conversions.

The test program was authorized and funded by the Appropriations Committees with initial direction and funding having been provided in the House Report for the fiscal year 1979 DOD appropriation bill. However, the NAGE firmly believes that the motivation for technician conversion is an antiunion animus on the part of the Reserves and National Guard Bureau. The DOD first tried to eliminate unions from the technician workforce by defining civilian technicians as military personnel in section 2f of S. 274 in the 95th Congress. This bill, which became Public Law 95–610, was designed to prohibit unionization in the military. Fortunately, section 2f had been struck from the bill before enactment. Having been frustrated in their attempts to include technicians under Public Law 95–610, the National Guard and the Army Reserve pressed for the initiation of technician conversions.

However, fears that unions will engage in work stoppages, slowdowns and strikes are absolutely unfounded. Our members have never engaged in such activities and the NAGE would never condone such actions. Our collective bargaining rights do not, and should not, include negotiating on military missions. Neither do we bargain on pay or hours. And let me state firmly for the record, the NAGE has absolutely no intention of organizing active duty personnel. The role of unions representing dual-status technicians is solely to protect their rights as civilian employees. We mainly provide representation during grievance procedures.

As originally set up, the conversion test program had not established termination date and not established procedure of evaluation. Clearly, the test was not a test but an open-ended means of converting civilian positions to military. Largely due to protest and testimony from the NAGE, while acting on DOD's fiscal year 1980 appropriation, Congress mandated a July 1, 1980 termination date for the test and a 6-month evaluation period to be concluded with a report to Congress no later than December 31, 1980. We thought that this small victory assured at least that the test would be a "test", and consequently that the desirability of technician conversions would be examined carefully before being continued in a third fiscal year. However, the Guard Bureau and Army Reserve have no intention of evaluating the conversion test program in a fair manner.

The urgency with which the National Guard Bureau is pursuing successful completion of the test is revealed by two recent actions. First, on March 7 of this year we were informed that the Bureau intended to commence conversions in place to assure filling the requisite number of active duty technician positions. This would mean that participating technicians would be civilians one day and active duty military the next with no change in duties or responsibilities whatsoever. This proposal was in clear violation of the conversion test program design as outlined in the initial House report. That report—House Report 95–1398—reads in part:

> The Committee recommends the establishment of a test program within each of the remaining Reserve component organizations to determine their ability to attract and hire personnel in an active duty status by:* * *

(3) Filing all positions not manned at the end of fiscal year 1978 and all new positions added to the structure in fiscal year 1979 with full-time active duty military support. Although dual status technician vacancies can continue to be filled by dual status technicians, the Committee believes that the Chiefs of the Reserve forces should also attempt to fill some of these vacancies with full-time military support.

The NAGE promptly filed an unfair labor practice against the Bureau and little more than a month later we were informed that they had reversed their plans. However, when informing the States of their decision not to commence conversions in place the Bureau revealed a second tactic for manipulating the test's success. They stated in TWX 1719152 April 1980:

The low percentage of technician vacancies being converted in some States joepardizes ARNG ability to meet its objective—3,161 conversions by 1 July 1980. To insure that the above goal is met, all CFTM allocations not filled as of 30 May 1980 will be withdrawn and redistributed to States that have demonstrated an ability to attract and hire personnel in military status.

Neither of these actions really surprised us. The NAGE has come to learn that the Guard Bureau will do almost anything in pursuit of its single-minded goal of eliminating unions from the technician program. We became convinced that the Army Reserve and National Guard cannot be trusted to evaluate their own test program when we discovered, this past February, that another 3,740 conversions are planned for fiscal year 1981 on the assumption that the conversion test will be successful. Clearly, if left to their own devices, these reserve components will carry out full scale conversion to military programs mindless of the consequences to budgets or national defense.

That the National Guard and Army Reserve have chosen to move forward with plans for further technician conversions before the 6-month evaluation period even begins indicates contempt for congressional intent. Further, it also denies Congress the opportunity to make an informed decision on technician conversions. Congress is being asked to authorize conversions without a modicum of data to justify the appropriateness of the test program.

Further, the DOD's decision to continue the conversions assures a favorable, and incredibly biased evaluation of the test program. It is outrageous that these branches are determining that the conversion of civilian technician positions to military slots is appropriate without even awaiting the results of the test. Their proposal obviously eliminates the prospects of a fair assessment of the test program. Rest assured that the data will be forced to conform to a preconceived goal, that is, full-scale conversion to military slots and thus the elimination of the civilian technician workforce.

We find it unconscionable that the DOD has the unmitigated gall to decide the outcome of the test before the evaluation even begins. Moreover, given the prevailing bias in favor of conversion, we doubt that the evaluation of the test program will detemine that conversions are unwise. However, should some fluke occur the National Guard and Army Reserve would be forced, because of the presumptuous plans of the DOD, to request a reprogramming. This would be disruptive at the very least.

Consequently, the NAGE believes a wiser and fairer approach to the issue of technician conversions would be a postponment of the matter until the fiscal year 1982 DOD authorization is considered.

This approach would allow the evaluation of the test program to be conducted without the pressure of reaching a prejudged conclusion. It would avoid the possibility of a reprogramming. And most importantly, it would provide Congress the opportunity to see the results of the test program prior to acting on the authorization of further conversions.

We are convinced that the only intelligent course to pursue is to take a very close look at the feasibility of military technician manning before leaping into full-fledged conversion program. Further, that close look should be taken by Congress and not the DOD as the DOD has not proven itself capable of viewing the test objectively.

The NAGE is convinced that if the conversion test program is evaluated fully and objectively the results will reveal the foolishness of pursuing technician conversions. Full-time active duty technicians are likely to be more costly, less qualified, and difficult to recruit.

There are a number of hidden costs in military technician manning. A GS-10 civilian technician who converts under this program to his military rank as a major over 14 years, stands to gain over $500 in extra income a month. This is a significant disguised expense. Without a corresponding increase in their productivity, many converted reservists will receive a financial windfall. My hypothetical is not at all far-fetched, but is rather a typical example of the subtle chicanery this program has spawned. DOD's efficiency dollar decreases as a consequence.

Further, due to manpower shortages in the lower active duty ranks, there is currently a surplus of senior field-grade officers and noncommissioned officers. A full-time active duty military technician program would be a convenient place for these senior officers to transfer. Combining senior officers who transfer with high-ranking dual-status technicians, who have a financial incentive to convert, will result in a preponderance of senior-ranking technicians. Unquestionably, the cost of maintaining a technician force of this magnitude is an unfair and prohibitive burden on the taxpayer.

Moreover, if military pay is separated from civilian pay by the Pay Reform bill and by such steps as those recently taken by the Budget Committees—the House Committee recommended a 7.4-percent military raise, the Senate Committee 11.7 percent, yet both only alloted a 6.2-percent increase for civilian Federal employees—military pay is likely to increase at a faster pace than civilian pay.

In addition, the high cost of recruitment must be included in the overall expense of the conversion program. The relationship of recruitment problems to technician conversions will be examined later, but it is appropirate to note that manning technician positions with military personnel will entail recruitment costs.

Enlistment incentives, bonuses, advertisement, more full-time recruiters--these items are consuming a larger portion of the Defense budget every year and military technician manning will increase the problem. The Army submitted a reprograming action of $18.3 million for recruiting in fiscal year 1980. Their request for recruiting resources for the active Army in fiscal year 1981 is $315.9 million. The Army National Guard and Army Reserve re-

quested $62.8 and $64.9 million respectively. These requests combine to a budget of $443.6 million for recruiting alone.

The need to train active duty technicians is another hidden cost in converting technician positions. Civilian technicians have substantial technical training when hired. Recruited or transferred full-time active duty technicians will have to be trained from step one. Technical training is always expensive and time consuming. However, given the quality of the soldiers the DOD is now enlisting, the cost and the length of training is bound to be excessive. According to Principal Deputy Assistant Secretary of the Army William D. Clark, "in fiscal year 1980 about 40 percent of the Army enlisted accessions will be non-high-school graduates and * * * about 33 percent of the enlisted soldiers will need remedial education."

Obviously, there is reason to question the cost-effectiveness of active duty technician manning. The hidden costs described above should be reviewed when the test program is evaluated.

Beyond the problem of cost, it is likely that there will be trouble with the number and quality of active duty technicians. The Armed Forces, particularly the Army, are suffering from profound strength shortfalls. Consequently, have they resorted to enlisting high percentages of recruits in mental categories III and IV (below average intelligence).

Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics, Robert B. Pirie, has testified that: "No service was able to achieve either its fiscal year 1979 recruiting or strength objectives." At the end of this past November, the Active Army's shortfall in enlisted operating strength was 25,100. In addition, the Army National Guard and Army Reserve are 88,500 and 86,000, respectively, below mobilization strength. While the Air Force's problems are not as severe, last year, for the first time, they failed to meet their recruiting goals for enlisted personnel.

Further, the difficulties of reaching end strengths are likely to get worse rather than better. Air Force Chief of Staff General Lew Allen, Jr., has stated:

> I want to make clear that notwithstanding the high priorities I assign to improving our strategic forces, mobility, and readiness, my single greatest concern lies not with hardware, nor maintenance, nor training—it is with people. The decade of the 1970's ended on a very disturbing note with respect to our manning. In the history of the U.S. Air Force, our manpower situation has never been more critical than it is today, nor have there been forecasts of difficulties more serious than those we face as we enter the decade of the 1980's.

Secretary of the Air Force Hans M. Mark explained part of the recruiting problem when he stated:

> Our larger manpower requirements in the 1980's, due to increases in force structure, will have to be met at the same time as the total number of 18-year-olds decreases.

In the face of such serious recruitment problems, how can the DOD justify adding to the numbers of active duty positions by converting positions from a civilian work force in which vacancies are few and filled quickly? Surely, active competition among the armed services, for the same limited source of manpower, will wreck havoc with end strength levels.

The search for recruits is also wrecking havoc with the quality of enlistees. As indicated in the attached Washington Post articles,[1] fraudulent recruiting practices, through which disqualified applicants attain enlistment, are considered to be a result of imposing recruitment quotas designed to address strength shortfall problems.

Fraudulent recruiting practices aside, there can be no doubt that the caliber of the majority of our recruits is poor. The proportion of non-prior-service accessions with high school diplomas dropped by 4 percent between fiscal year 1978 and fiscal year 1979. Seventy-one percent of such recruits now fall in mental categories III and IV. Further, the situation may be worse than the statistics reveal. Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics, Robert B. Pirie, has testified that:

> Of special concern to me is my growing conviction * * * that the reported mental test scores of our recruits, at the lower ability levels, have in fact, been inflated. At this time, we cannot be certain of the numbers; but statistical sampling suggests that a sizable fraction (less than 40 percent but probably somewhat more than 20 percent) of fiscal year 1978 male recruits labeled as higher than mental group IV should actually have been categorized in this group (fiscal year 1979 data are now being analyzed). This implies that when compared with the draft of the 1960's, instead of taking markedly fewer of those from the lower end of the acceptable range, we may be taking as many or more.

In addition to low-quality recruits, the DOD is plagued with a low reenlistment rate which will aggravate the difficulties of maintaining experienced, skilled active duty technicians. Only 68.2 percent of carrer service people reenlisted in fiscal year 1979. Further, attrition is high. The army only expects 69 percent of those recruited in fiscal year 1978 to complete their initial service commitment. That rate is average for the active services. Consequentiy, the NAGE has strong doubts about the ability of an active duty technician force. The average number of years of experience for Air Force Reserve civilian technicians is between 11 and 12. Further, as previously noted, these individuals come on board already highly skilled.

While there is a good deal of reason to question the quality of a full-time active duty technician force, there can be no doubt that the civilian technician program is functioning at an admirable level. Speaking of Army National Guard units, Maj. Gen. Emmett H. Waltker, Jr., Director of the Army National Guard, said:

> They have superior capabilities, and can be expected to perform will in a national emergency. This is true because of the hard core continuity found in ARNG units, personnel who have worked together for years. This is exemplified in maintenance type units, where individual skills are of a very high order; these skills have been evident when ARNG units have trained with Active Army units in Europe.

Maj. Gen. Richard Bodycombe, Chief of Air Force Reserve has testified that:

> One of the main reasons we have been so successful in maintaining readiness in the Air Force Reserve is our Air Reserve technician (ART) program. The high skill level of this technician force coupled with the stability of these employees are two factors critical to sustaining our operational readiness. In fact, this stability permits us to attract and retain individuals who possess the highly technical skills needed to insure such readiness.

---

[1] Not printed.

In reference to the conversion test program, Maj. Gen. Richard Bodycombe, Chief of Air Force Reserve has concluded, and I quote him:

> It is becoming more apparent that for the Air Force Reserve, the present technician program concept is the most efficient, effective, and economical method for providing full-time support for our units.

The NAGE is convinced that if the other services which are carrying out technician conversions evaluated their test programs, without the blinders imposed by an unfounded fear of unions, they would reach the same conclusion.

The civilian technician program is a viable and important factor in the mobilization status and emergency preparedness of the Reserves and Guard. We urge you to do what you can to assure the continuance of this program. In doing so you will be assuring continued readiness.

I realize that the only aspect of the civilian technican program that I have addressed is the conversion test program, however, the NAGE believes that the seriousness of the situation warrants that kind of attention.

I will be glad to answer any questions that you might have of me.

Mr. ALBOSTA. Thank you very much, and I appreciate, the committee appreciates your condensed statement of your entire report, but we will enter into the record your entire written statement.

I do have some questions in your testimony. You state that the Defense Department's fiscal year 1981 budget request will necessitate a reprogramming if the test program does not succeed. What would this reprogramming involve, and just how disruptive would that be?

Mr. HICKEY. Well, they are already programing certain positions for conversion, or to be filled by active duty test people, and they have requested funds for it. It is my understanding they have not requested, of course, the civilian funds, so if the program does not go ahead they will suddenly have to come back in for more money for a civilian work force.

Mr. ALBOSTA. Has the test program been designed and conducted to give a fair picture of the Reserve's ability to attract skilled personnel to convert slots at all grade levels?

Mr. HICKEY. No, I do not believe so. As I said in my testimony, job announcements for positions to be filled by active duty test people in the grades of E-5 and below, they are waiving the requirements of the position. The candidate does not have to fill the position requirement as a National Guard technician would if he applied for the job.

Mr. ALBOSTA. Does Congressman Taylor have any questions?

Mr. TAYLOR. Thank you, Mr. Chairman.

How are these positions that are currently being converted selected? Do you have any pattern, or basis for the ones that are selected for it?

Mr. HICKEY. There does not seem to be any pattern, Congressman. Some States are not embracing this program as others are. Some States are hardly using it at all. There does not seem to be a pattern on particular positions. There does not seem to be any

pattern at all. It is left up to the discretion of the Adjutant General whether to use, or not to use the active duty test program.

Mr. TAYLOR. I see. What has been your experience of your group in cooperation as supporting civilian technicians with the military? Has there been a lot of disruptiveness? Has there been a lot of disagreement, grievances, disagreements to be resolved, or is the thing working fairly smoothly?

Mr. HICKEY. We seem to think it is working smoothly, because when it comes to any military matters involvin technicians, that is outside of our field. We can only negotiate, or discuss those matters that affect them in their civilian positions, so as far as being disruptive to the military mission of the unit, no. We have never, none of our locals have ever been disruptive in any way.

Mr. TAYLOR. And you feel that the presence of unions in the civilian population of the Reserve components does not interfere with proper military discipline?

Mr. HICKEY. No, sir. I do not. I am a former National Guard technician. I am still in the National Guard. I have been soldiering for 32 years part time. I spent 17 years as a technician, and I do not see where the unions have done anything except probably increase productivity by giving the technician work force a more stable promotion policy, a more stable atmosphere. It has done away with patronage. It has made the work force a lot more stable, I feel.

Mr. TAYLOR. As a member of this committee who has been over the legislation for years affecting your association, I have always been somewhat supportive of your retirement program that we worked with a couple or three years ago, and other aspects of action affecting your people. However, I would say that I have great concern, and I am sure members of this committee have a great concern that the primary purpose of your organization is to support the military and the efficiency of the National Guard. The efficiency of the mission that they have is in no small measure dependent on the cooperative attitude, and the cooperative effort by you and the military. I certainly would not want to do anything that would disrupt the total mission of the National Guard, and that is to be alert and ready to perform the duties that they are charged with. This, of course, is what this whole thing is all about. It is what we are trying to get to the bottom of, whether or not we do have a situation arising that has depleted the ability of the Guard to perform that mission.

I have been, as I say, supportive of the civilian technician program, and we are going to hear testimony from the other side, I assume, but I just wanted to say that I think this is something we cannot lose sight of.

Mr. HICKEY. I am certainly not losing sight of it, Mr. Congressman, because as I said, I have been in the Guard for 32 years. I am not just speaking as a union man.

Mr. TAYLOR. Well, I have, too.

Mr. HICKEY. I have heard the fears of some people within the establishment voiced that someday, if we ever federalize the Guard units, those units that had strong union ties would be difficult to manage. I do not agree with this at all. If you were to follow that kind of thinking you would have to disband all of the National

Guard units in West Virginia, where most of them are sons of, or actually members of the United Mine Workers. You would have to disband the National Guard units in Detroit where all the rank and file enlisted people, if you will, are members of the United Auto Workers, to be afraid of union thinking somehow tainting the National Guard if ever called to active duty. This is pure baloney.

Mr. TAYLOR. I would doubt that the United Auto Workers would be involved in what these people are doing in the military life; but as I say, this is the concern we have. I have not made a decision on how I feel about it for sure, but I am concerned that we do not detract from the efficiency, and the effectiveness of the military control over the National Guard. I think somebody has got to be boss, and when you get into a crisis situation, and the military is going to have to make the decisions, they are going to have to be able to make those decisions sometimes without going to the negotiating table to do it if the security, the safety, and defense of this country is to be paramount, which I think it should be.

Mr. HICKEY. I might suggest to the committee that if such an occasion should arise, and I do not believe it ever would, there are a couple of simple tools to solve that problem. You either put the technicians on State active duty under the control of the Governor for the particular incident at the time we federalize them, and then they are soldiers either under the State militia, or the laws, or the Federal statute, and there goes the union control. I do not see any problem.

Mr. TAYLOR. Thank you.

Mr. ALBOSTA. I have one further question. Mr. Hickey, would conversion of the technician slots to military positions actually save money, and why would you take that position?

Mr. HICKEY. I do not believe it will save any money. There are hidden benefits. To be on active duty, for instance, your quarters allowance is not taxable. There would be a loss of revenue to the Government, whereby the technician's salary certainly is taxable. And if you converted active duty, or converted present technician for a 2-year period, for instance, you would create a triple-dipper. The Congress has always seemed to be appalled at a double-dipper, but you would create a triple-dipper. The present National Guard technician who is converted for a 2-year period to active duty, under the regulations of the Office of Personnel Management, he would go on a leave-without-pay status because of military active duty. For each year of active duty he would receive 6 months' credit toward the Federal retirement system as a Federal employee without contributing, so for a 2-year tour, he would get 1-year free ride in the Federal retirement system.

He would also, when he became active duty, come under the social security system, and he would be paying into it out of his monthly salary, but he would pick up eight quarters for a 2-year tour into the social security retirement system. And for that same 2-year tour of active duty, he would be getting credit for 2 years toward his military pension. So for the one 2-year tour of converting from technician to active duty, you are giving him a 2-year contribution toward his military retirement, for which he makes no contribution at all. You have given him eight quarters toward his social security retirement system, for which Uncle Sam deposits

the employer's share, and you are giving him free credit of 1 year in the Federal retirement system without any contributions. If the Congress is interested in saving money, they are going to create a triple-dipper.

Mr. ALBOSTA. Thank you very much, Mr. Hickey, for your testimony and being here this morning. We appreciate it.

Our next witnesses will be the Honorable Harold W. Chase, Deputy Assistant Secretary for Reserve Affairs, and accompanying him will be Mr. William Clark, who is here; also Army Maj. Gen. Emmett Walker; Mr. George M. McWilliams. We also have Mr. John T. Guice.

STATEMENT OF HON. HAROLD W. CHASE, DEPUTY ASSISTANT SECRETARY FOR RESERVE AFFAIRS, DEPARTMENT OF DEFENSE, ACCOMPANIED BY WILLIAM D. CLARK, PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR MANPOWER AND RESERVE AFFAIRS, DEPARTMENT OF THE ARMY; MAJ. GEN. EMMETT H. WALKER, JR., DIRECTOR, ARMY NATIONAL GUARD; GEORGE M. McWILLIAMS, DEPUTY ASSISTANT SECRETARY FOR RESERVE AFFAIRS, DEPARTMENT OF THE AIR FORCE; MAJ. GEN. JOHN T. GUICE, DIRECTOR, AIR NATIONAL GUARD; AND MAJ. GEN. RICHARD BODYCOMBE, CHIEF, AIR FORCE RESERVE

Mr. CHASE. Mr. Chairman, and members of the committee, I am a little perplexed about testifying this morning because of the context out of which I am working.

When I first came to my post in 1977, the office had already underway a study of full-time manning of the Guard and Reserve, and the fellow who was chairman of that study group was a major general in the Air National Guard, a man by the name of Frank Gerard.

Well, let me explain because it included also the Navy and Marine Corps, and the conclusion of that study group was that in the Reserve and Guard we needed full-time people, and there were apparently several ways to go about doing it. One was the use of the technician program. The Navy uses a program called the TAR program, and the Marine Corps an I. & I. program. The conclusion was that we needed full-time people, and any one of these approaches seemed to fill the bill that if the Navy wanted to continue with the TAR program, we felt that that made sense. If the Marine Corps wanted to continue with the I. & I. program, that made sense, as did the technician program.

Also, I came to my job with an experience as a Marine Reserve, and the last job I had done for the Marine Corps while I was still not retired was to take a look at the Army Guard and Reserve, and the Air Force Guard and Reserve to see what we in the Marine Corps could learn from what they did that was different from what the Marine Corps Reserve did. I was so impressed with the technician program when I was debriefed by the Commandant I said, "Gee, I think the Marine Corps ought to try to do something like this, too." So if I had any bias going into my job, it was pro the technician program.

When we offered up our full-time study for consumption in Congress, as well as in the administration, some of the Congressmen

did not believe the finding of that committee that the cost was about the same whether we used full-time military technicians. It was at that point we were mandated to do a test, and that is why I said I was perplexed, because we were mandated to do a test, and I, for one, insisted meticulously that we test as we were mandated to do, and I think we have done that. We have reached the stage now where the test part will be closed the end of June, which is a short time away. After that, we are mandated to come back to Congress in December with the conclusions derived from the test. And again, I want to be meticulously fair about it. I am not a technician. I am not a member of the Guard Association. I work for the U.S. Government, and I want a fair test just as much as anyone else, and as a consequence, I have tried to restrain myself from making premature decisions on the merits. If you were to ask me right now how I think we will come out, I can honestly tell you I do not know, because I do not want to be forced to prematurely draw conclusions until we have gone over the matter very thoroughly, and we now have out for bids an opportunity for an outside outfit to come in that has no ax to grind, and help us evaluate the results of the test.

So that, to sum up, I think that we are trying very hard to fulfill a mandate that Congress laid on us. I respectfully say that I think it is premature for us to debate the issue on the merits. I would like until December to come back and say, "OK, here is what we have done. Here is the way we look at it."

With respect to the attempt to be as fair as we can, I might clarify something on page 9 of my written testimony. I set forth some figures there, not with the idea of making it appear that one way was better than another, but to give some idea of the complexity in trying to figure out the cost. It is important to note that in those figures we make the point that the insurance, retirement, and other benefits are not included. In short, I set forth those figures not as a way of indicating that we felt one way or the other, but rather to give some idea of the complexity and the kinds of things that have to be determined, and I think we are well on our way. It is only a matter of May and June, and then we will have the period to make the interpretations, draw the inferences, and make an assessment; and at that time I would feel very comfortable about coming before you and debating the merits. Today, I would obviously prefer not to debate the merits.

Sir, with your permission, I would like to yield some time to Mr. Clark, who desires to make an oral statement.

Mr. CLARK. I could not let the moment pass, Mr. Chairman, because of comments made by the previous witness, Mr. Hickey, who in addressing the issue of the ability to attract quality people, military people into the program, made some statements about the alleged quality of the today's U.S. Army.

The only measure of the capability of the soldiers, sailors, or airmen, marines we have today, is their ability to do the job. That is the only measure, and I really feel that it is improper and demeaning to our fine soldiers to suggest that they are a poor quality. They are not. They are fine soldiers. They are doing their job well, and they will continue to do it, and I would not want that point to be allowed to remain in your minds without addressing my

65-444 O - 80 - 9

strong feelings that that is not, should not be an issue, or in consideration of this particular case.

I would like to add to Mr. Chase's comments that the leadership of the Army has drawn no conclusions, no premature conclusions on the success or failure of this particular test. We intend to give it a very, very careful examination. We intend to determine whether or not it will contribute to readiness, or detracts from readiness; whether it is fair to the individuals, and whether the costs are appropriate. So I want to echo what Mr. Chase said, and the fact that we indeed will give it a fair objective evaluation.

That is all I have to say.

Mr. ALBOSTA. Well, that is fine. Of course, our purpose in being here today is to get some report on how the test program is going, and it is encouraging to hear the statements that you have both made. Has the test program been constructed to give a fair picture of the Reserve's ability to attract skilled personnel to converted slots at all grade levels, in your opinion?

Mr. CHASE. Yes. I think it has been constructed that way, and I have heard suggestions that there has been foul play, but I notice it was not backed up with specific things. Always, when you construct a test, it is a difficult thing to construct a valid test. And the other part of it that is difficult is that we are an ongoing business. We cannot say, "OK, let us take time out and hold a test, and nobody do anything in the meantime." We have got a job to do, and we have to try to do the test while the train is moving. But as a social scientist of long standing, I have no problems about methodology.

Mr. ALBOSTA. Are the components converting positions at all grade levels, as they would have to if a full-scale conversion were to take place, or are they just choosing only the more attractive positions for conversion?

Mr. CHASE. Sir, I would like to ask people from the Army and Air Force to address that specifically.

Mr. CLARK. We are converting, Mr. Chairman, at all grade levels. Clearly, the average enlisted grade is around E-5 and E-6. The average officer grade is about captain. We do have a spread at all levels. We do have difficulty in attracting in the very lowest military grades, of course.

Mr. CHASE. Secretary McWilliams, for the Air Force.

Mr. MCWILLIAMS. For the Air National Guard, and the Air Force Reserve, Mr. Chairman, I would have to answer yes, we are within the guidelines, of course, of the congressional mandate, which was to fill all vacancies and all newly created vacancies by increased manning of the units. Those commanders do not always control where those vacancies occur, but within that context the test is being conducted across the spectrum of both officer and enlisted personnel.

As an example, in the Air Force Reserve when they implemented their test initially at two locations, they constructed a model of a cross section of all positions to be totally representative, not only from the highs to the lows, but of mixed skill. So I would have to say that the test is being conducted in a fair manner across the board as best as it can be done within the guidelines of the congressional mandate.

Mr. WALKER. Might I add something to that, sir?

Mr. ALBOSTA. Sure.

Mr. WALKER. I have, first of all, the results as of March 31, 1980, I would like to have entered into the record. This shows the grade of the technician that was converted, the military grade that he was converted to. Mr. Clark has mentioned to you the average grades. This shows you the total breakout of it. I would like to have that entered in the record. This is the Army National Guard portion only.

Mr. ALBOSTA. If you will turn it in to the staff we will accept it for the use of the subcommittee.

Mr. WALKER. I would also like to take this opportunity to possibly straighten out one point here. All of our converted positions have been converted under title 32, not title 10. That was said earlier. It is all under title 32.

Second, these people have been converted from instruction from the National Guard Bureau, Army side, have been converted in the same job description from which that job was vacated, same technician job description. That is the instructions from the National Guard Bureau.

Mr. ALBOSTA. Thank you.

In mid-April, a communication from the National Guard Bureau to the State Guard commands reported that "the low percentage of technician vacancies being converted in some States jeopardizes the Army Guard's ability to meet its objective—3,161 conversions by July 1." If the allocated conversions do not take place by May 30, the allocations "will be withdrawn and redistributed to States that have demonstrated an ability to attract and hire personnel in military status." That is a quote. It appears the Army Guard is trying to fill technician slots without any regard to the difficulties some States are having in attracting applicants. How can this make the test accurate?

Mr. WALKER. Yes, sir. That is my message you are referring to.

The mere fact is, sir, that the Congress mandated us to convert vacant positions. The allocation of this program that has gone to the States is based upon the previous experience of attrition. Some States are not having the attrition. Your job that you, the Congress, gave me was to see if I could attract and hire people to fill these vacant positions in military status. If the States are not having enough attrition, then I must put them where the attrition is taking place so I can see whether I can attract people in these positions. That is the reason we have done this. This is within the intent of Congress, as we interpreted it.

Mr. CLARK. If I may add something in that connection, not to redistribute it would have left some very grievous shortages in some units that would have had a direct impact upon their readiness to mobilize, and that would not be something that would be prudent, particularly in these times.

Mr. ALBOSTA. Does the gentleman from Missouri have any questions?

Mr. TAYLOR. Yes, Mr. Chairman. Thank you.

It would appear to me that on page 9, the breakdown of the projected costs when taken into tax advantages, retirement, and

other benefits, probably we are not talking about any great deal of difference in the expense of the monetary comparison of the two programs. Of course, as you say, and I appreciate the fact that you are not going to project what the findings of this study will be.

Mr. CHASE. Let me mention something about that, because it rides on what came out of the earliest study. When General Girard concluded his study on the full-time people, his finding was that costwise, there was nothing to be saved either way. But I want to remind you, sir, that it was Members of Congress who said, "Now, we do not believe that." And part of it was that if you just look at salaries, it does look like you might be able to save something by having people full-time military, but I think now that we have gone ahead with this kind of test, this is one of those things that we ought to just research to the *n*th degree so that when we come back to Congress if someone says, "Well, now you cannot tell me that one way is not more expensive than the other," we will be able to lay that to rest once and for all.

Mr. TAYLOR. Well, I appreciate that, Mr. Secretary, and I appreciate your candidness in saying that, you know, you are going to let the chips fall where they will, and you are going to be back with a report on exactly what happened.

You indicate that you have a private contractor to evaluate the data and recommendations. Would you care to tell the committee who this private contractor is?

Mr. CHASE. No, because I cannot. The matter is out for bid right now. In other words, we have set the characteristics of the kind of analysis we want done, and as is usual in these instances, it goes out for bid, and then, depending upon who——

Mr. TAYLOR. So actually, he has not been selected yet?

Mr. CHASE. No.

Mr. TAYLOR. General Walker, in view of the number of conversions in fiscal year 1979 and 1980, has the Army National Guard taken any steps to protect the technicians who have been the lifeblood of the Army National Guard support over the years?

Mr. WALKER. Yes, sir, Mr. Taylor. As the Congress mandated us to test this program of filling vacant positions, we in the Army Guard felt that there must be some program to protect these experienced loyal technicians that have been the backbone of our program for many years. So in order to do this, we felt like we had the program in existence then that we must continue, and that is to allow the technicians, or the states to allow the technicians to exercise their prerogatives under the merit promotion system, the civil service system. This was the determination by the States.

Most of our position vacancies in the field had been handled in that manner, and this gave the technician the opportunity to have upward mobility prior to conversion. Now, we felt this certainly protected our people. It allowed at least one technician to get promoted, possibly more, because of the domino effect, and it also converted at least one position when we had a vacancy. So I feel, sir, that this was pumped in as a protective measure specifically by us to do that.

Mr. CHASE. And I would like to emphasize that I have not heard anyone even suggest that any incumbent lose a job. What we are talking about is how we fill vacancies.

Mr. TAYLOR. I have been told that the Army National Guard is hiring a very expensive high-grade military force to fill the converted positions. Would you address this?

Mr. WALKER. Yes, sir. That is what Mr. Clark remarked on awhile ago. Actually, as of March 31, 1980, the average grade of the military now that have been converted from the technician to the military, the average grade of an officer is an O–3. That is a captain. The average grade of a warrant officer is 2.5. Warrant officers are W–1, 2, 3, and 4. The average grade is 2.5. The average grade of enlisted men is 5.3, an E–5. Now, sir, I do not think that is any high-priced expensive military force.

Mr. TAYLOR. What has been your experience of attrition in the military forces versus the technician force?

Mr. WALKER. Well, sir, I really hate to address that at this time. I can give you the experience, and I am going to, but this is a very short test we have had, so I am not so sure we have got an accurate hold on that yet; but to date an attrition rate in our technician force of between 11 and 12 percent. Of the people we have hired in the conversion program, we have had a 2.5 attrition rate to date.

Mr. CLARK. The Army Reserve does not have any data on that issue.

Mr. TAYLOR. Do you feel the converted full-time manning personnel are less qualified than the technicians?

Mr. WALKER. For me, sir?

Mr. TAYLOR. Yes.

Mr. WALKER. Well, let me put it this way, sir. I have just recently been told by more than one adjutant general that the quality of people he is getting is very high, and quoting them, better than what I am getting in my technician program. We have had a vacancy advertised on the technician program, and had no applicants to fill it. When it was advertised on a conversion program, we have had as many as ten where we got none for technicians.

Mr. TAYLOR. Why would that be?

Mr. WALKER. Sir, I do not know. That is what I hope the results of this test is going to figure out for us.

Mr. CHASE. This is why I feel so conscious that, with all due respect to the general, I would hate to rely on anecdotal evidence. Let us wait. Let us get the facts, and facts are facts.

Mr. TAYLOR. Then you really have not experienced a great deal of problem in hiring military personnel to fill the vacant technician positions?

Mr. WALKER. No, sir. No, sir. We finished our allocation authorization last year. We started in February, and we finished on the last day of June, 5 months. We converted 1,098 people.

Mr. CHASE. But again, all of the components may have a different experience. I would be prepared to look for that. There is no reason to believe that all of them will have the same kind of experience.

Mr. TAYLOR. The previous witness now, mentioned the expenses of recruitment costs which is crammed into this thing. Is the recruitment cost a very significant factor?

Mr. CHASE. I will hope to provide that for you.

[The response follows:]

There is no apparent significant increase in cost for recruiting of full-time active duty personnel versus recruiting for technicians. The procedures for announcing and filling such vacancies are basically the same as those used in filling technician vacancies under merit civil service procedures. No additional personnel have been hired to develop announcements or to process applications for filling positions with full-time active duty Guardsmen/Reservists under the test program.

Mr. TAYLOR. Well, thank you very much, Mr. Chairman. I appreciate the responses of the witnesses.

Mr. ALBOSTA. Thank you.

I do not have any further questions of the witnesses themselves. I think it has been a very constructive hearing before this Investigative Committee, and we will certainly be following up on some of the material that you have turned in in your prepared statements, plus the general's evaluation.

Mr. CHASE. Sir, may I just add one word about something that came up earlier about why we budgeted the way we did?

As you are well aware, we are always budgeting ahead of the time frame we are living in. You have to, for planning purposes, use something as a yardstick, and anything we did would have been arbitrary. In other words, we had, I think three choices. We could have said, "All right, let us see what it would cost if we had military? What does it cost if we have civilian technicians? What about a mix?" At this point, anything that we did would be arbitrary. The important thing was to make sure that the money would be in the budget somewhere, because reprograming is an annoyance, but it is not a great difficulty. In other words, what we would have to do is, on the basis of the results, come to Congress and say, "How about giving us guidance quickly so we can move fast?" And then, depending upon what the decision is, we can come in with a reprograming request if need be, which requires us to go back to Congress and say, "Here is what we would like to do now. Is this all right with you?" And I think that is a good system. I think no one should read into it things like, quote, "chicanery," or other words which I deeply resent because it is untrue. No one was trying to push a particular result by the way we budget. We wanted that money in the budget somewhere, and anything we did had to be arbitrary, but it was something that could be taken care of in the event that the decision went to do something else.

Mr. ALBOSTA. We appreciate that, and we appreciate your willingness to come back to Congress here, and explain fully the test results.

Thank you very much. This meeting is adjourned.

[Whereupon, at 10:48 a.m., the subcommittee meeting adjourned.]

[The prepared statement of Mr. Chase follows:]

HONORABLE HAROLD W. CHASE
DEPUTY ASSISTANT SECRETARY OF DEFENSE
(RESERVE AFFAIRS)

Mr. Chairman, members of the Subcommittee on Investigations. I welcome the opportunity to appear before you and provide you with information on the status of a test program converting civilian technician positions to full-time military status and to address the four specific issues in your request for a Department witness to testify on the subject.

I would like to start my statement by providing some background information. During the past several years various studies by the General Accounting Office, the Army Audit Agency, the Department of Defense and other agencies have highlighted problems associated with the full-time support provided to the National Guard and the Army and Air Force Reserve Components. During consideration of the Fiscal Year 1978 budget the House Appropriations Committee, citing a study made by the Defense Manpower Commission, recommended that the technician program undergo a gradual phaseout. The Committee report in part, is as follows. "A dual-status technician occupies a civilian job that is essentially similar to the military occupation he has in the reserve component. The civilian grade and pay rate and the military rank and pay are, by regulation, to be identical or very close. A technician, in addition to the civilian pay he receives, is paid for his participation as a member of the reserve. This results in the technicians being eligible for three separate retired pay benefits: federal civil service, social security, and military retired pay. A small number of technicians who were employed by State governments in the guard components would also receive a fourth State retirement check. The Defense Manpower Commission (DMC) examined the dual-status technician program and identified $270,000,000 in fiscal year 1975 costs in potential annual savings that would result from the conversion of technicians to full-time military personnel instead of dual-status civilian reservists. The Commission noted the problems of unionization of the technicians and concluded that the purposes for which the

reserve components use technicians could be accomplished by the use of full-time military personnel (reservists on active duty). The Commission concluded that:

The objectives of the technician program can be accomplished at substantial savings by ultimately replacing the technicians with full-time active duty Guardsmen and reservists. The use of Guardsmen and reservists on active duty would protect the citizen-soldier concept which is basic to this Nation's Guard and Reserve system. Implementation of this change would eliminate dual pay and retirement for what in essence is the same job. In conjunction with this conclusion, the DMC recommended that:

The proposed replacement of the technician by active duty Guardsmen and reservists should be implemented under a well-conceived program of transition, providing the technician the opportunity to convert immediately to an active military status in his unit or to continue in a civilian capacity for a fair and equitable time. The latter provision would be sufficient to cover many persons until normal retirement.

SUMMARY OF COMMITTEE RECOMMENDATION

The Committee concurs in the conclusion and recommendations of the Defense Manpower Commission in regard to the dual-status technician program. For this reason, the Committee has included a general provision that prohibits the employment or replacement of any civilian technicians after October 1, 1977. This has no effect on current technicians, but will result in a gradual phase-out through attrition of the current technician force." This recommendation was dropped for Fiscal Year 1978 because other studies dealing with the same subject were underway. This same Committee, during Fiscal Year 1979 considerations, again citing the Defense Manpower Commission report along with a Department of Defense report, stated that the Defense Manpower report pointed out that

"(1) current "status quo" policies threaten the mobilization effectiveness of the two components which employ technicians in the competitive service, particularly the Army Reserve;

(2) labor union activity in the technician programs has increased, with a resultant dilution of military command authority, organizational effectiveness, and discipline;

(3) technician programs contribute significantly to grade stagnation problems and limit career opportunities for non-technicians, particularly younger Reservists;

(4) technician programs encourage an aging force and produce questionable mobilization assets (Pages 220-225, Committee Report 95-1398)."

This Committee report further stated that "The Full-Time Training and Administration Report" concluded that the Department of Defense should move away from the technician concept unless three requirements were met. These three include:

"(1) the status of all technicians was changed from competitive to accepted (Sic) civil service, thereby preventing a technician from holding his job as a technician when he is not eligible to be a member of the military unit he serves;

(2) the Reserve Components be granted exclusion from Executive Order 11491 which requires that they bargain with labor unions; and

(3) the wage board pay system undergoes significant reform."

Based on the foregoing and a concern as to the ability of the Reserve Components to attract and retain qualified personnel who are compatible to the existing technician force in a military status, the Committee recommended that a test program be established, and I quote in part the Committee report.

"The Committee recommends the establishment of a test program within each of the remaining Reserve component organizations to determine their ability to attract

and hire personnel in an active duty status by:

(1) Converting the full-time training site support to military personnel in lieu of using commercial contract as proposed in the budget;

(2) Filling all vacancies which occur in positions currently held by "status quo" technicians with full-time reservists on active duty; and

(3) Filling all positions not manned at the end of fiscal year 1978 and all new positions added to the structure in fiscal year 1979 with full-time active duty military support. Although dual status technician vacancies can continue to be filled by dual status technician, the Committee believes that the Chiefs of the Reserve forces should also attempt to fill some of these vacancies with full-time military support. This test program will give the Reserve components an opportunity to determine if they can recruit personnel to fill these positions with full-time military personnel. Also, it may be necessary to change certain military personnel policies, such as regular rotation. The prolonged test period will provide an opportunity to compare any innovation that the Reserve Components desire to make with the Navy and Marine Corps programs and the current dual status technician program." The Department following this Congressional guidance, then initiated the test program.

During the Fiscal Year 1980 budget considerations, the House of Representatives (Report No. 96-450, Pages 103 and 104) prohibited continuation of the test conversion process after July 1, 1980 and requested the Department to provide a detailed report to the Committee no later than December 31, 1980 which summarizes the test results and includes specific recommendations on the desirability of elimination of dual status technicians either completely or only for certain Reserve Components, cost effectiveness of technicians versus full-time military, impact on readiness, etc. We plan to meet this request as we have tried meticulously to comply with the Congressional mandates in this matter.

The criteria that the Department will use for judging the success or failure of the conversion program will include how recruiting was accomplished, the qualifications of individuals selected, attrition of those entering the program, unusual problem areas in filling different positions, the reduction in "status quo" personnel -- those who do not mobilize with the unit they support, improvements in military personnel management, performance effectiveness of full-time military versus technicians, impact on unit readiness, cost, and morale. Accordingly, the Department, on 30 October 1979, directed that the four Components involved in the test use these criteria, which were more thoroughly defined in the directive, as a basis for the evaluation, and that each Component's findings and recommendations be submitted along with Service comments to our office by 1 September 1980. On receipt of the Components and Service recommendations, my office in conjunction with others will evaluate the data and recommendations. At the same time, we plan to have a private contractor evaluate the data and recommendations. After careful consideration of the contractor's work and our own Defense Department review, we plan to provide the Congress, no later than 31 December 1980, a detailed report which summarizes the test results; includes specific recommendations on the desirability of elimination of dual status technicians, either completely or only for certain Reserve Components; determines the cost effectiveness of technicians versus full-time military; and, evaluates the impact on readiness.

You requested that I address four specific issues. The first issue concerns the progress of converting technician positions to military positions. As of 1 March 1980, the status of the conversion program was as follows:

	FY 1979		FY 1980		
	Programmed	Converted	Programmed	Converted	Total Conversion
ARNG	1,042	1,098	2,119	1,047	2145
USAR	736	726	540	307	1033
ANG	364	437	382	193	630
USAFR	62	13	167	66	79
TOTALS	2,204	2,274	3,208	1,613	3,887

Beyond the numbers converted, we hesitate to draw any conclusions from the very limited data available at this time. Complete details on which the Department will make an evaluation of the program will not be available until 1 September 1980. We do know at this time that conversions have been made in all States, except for the Air Force Reserve which does not have a test program in all States, and in varied military skills and grades.

The second issue you wished me to address is: why the Defense Department has made the budgetary request eliminating approximately 4,000 civilian technician slots for FY 1981 before the results of the test program have been evaluated? I would like to emphasize that in the development of the Fiscal Year 1981 budget we were not trying to manipulate the outcome of the conversion test. Unless we were to reduce the overall size of the full-time support force for the Reserve Components, which would reduce Reserve readiness, we had to budget for the full-time manpower somewhere. The choices available were to budget for full-time military pay and end strength, or for civilian pay and end strength, or for some kind of mix. If we chose wrongly, some kind of reprogramming would be required. So, to put it bluntly, we had to make a choice which in any case would be arbitrary in lieu of the final results of the test. Consequently, I believe it is unfair to draw any inferences that we had considered that the test would prove one case or another. Therefore, for budget purposes (during Fiscal Year 1981), we assumed that approximately

3,470 positions would be converted based on estimated attrition rates and the speed with which positions were filled in the past. On that basis, the numbers used were 2,473 for the Army National Guard, 363 for the Army Reserve, 904 for the Air National Guard, and zero for the Air Force Reserve. If it turned out that the test shows that we should not convert these positions, reprogramming will clearly be required. As I stated previously, the Department will provide the Congress no later than 31 December 1980 a detailed report on the test. Therefore, guidance will be required soon after we furnish the report to the Congress so that we do not delay providing full-time support requirements for the Guard and Reserve. Expeditious Congressional guidance will permit the components involved to complete the budgeted conversions during the latter half of Fiscal Year 1981 or to take the steps necessary to employ an equal number of technicians during the same period. A long delay in the decision would have a severe impact on the readiness of the Reserve Components.

The third issue concerning the value and place of the civilian technician program in supporting armed forces readiness is a difficult one to address when comparing civilian technicians with active duty military. Conventional wisdom is that generally the more support the more ready a unit is. On a one military and one civilian technician tradeoff basis we do not at this point know which status might contribute the most to combat readiness or to be the most cost effective. We hope to learn more about this tradeoff during the test evaluation period. We are convinced, however, that the people who provide day-to-day support to Reserve Component units should mobilize with the unit they support for maximum unit readiness upon mobilization. As of 31 December 1979, there were 1,361 civilian technicians providing day-to-day support to USAR units and 68 in the Air Force Reserve who would not mobilize with the units they support. These personnel are

called Status Quo. It is the Department's policy to have the number of Status Quo technicians at near zero by end Fiscal Year 1986.

And, the fourth issue was whether the conversion to full-time military can be cost effective in providing the Reserves the same high level of service provided by civilian technicians. It is premature at this time to say whether conversion to full-time military can be cost effective in providing the Reserve Components the same high level of service provided by civilian technicians. We hope to evaluate this subject and make a judgment during the test evaluation period. Based on limited information in early March 1980, the average level of compensation for civilian technicians was approximately $18,856 plus $3,781 military training pay for officers and $1,752 for enlisted personnel. Insurance, retirement, and other benefits are not included in this average. The average level of compensation for the full-time military replacements was $15,983. Tax advantages, retirement, and other benefits are not included in the average. Until we get the final test reports from the Services we cannot answer this question more specifically.

CONCLUSION

Our primary goal is to have a full-time support force that is the most cost effective and produces the most combat readiness. We feel that we are meticulously following the intent of the Congress during this Congressionally directed test and that it is premature at this time to make positive value judgments and state that either the civilian technician or full-time active duty military status is the best. Based on the limited information available to date on the test, I would not be surprised if we did not have different findings among the components. We do not want to prejudge the test results in any manner.

CUMULATIVE TECHNICIAN GRADES CONVERTED

AS OF 31 MARCH 1980

GENERAL SCHEDULE (GS)		WAGE SUPERVISORY (WS)		WAGE GRADE (WG)	
13	7	14	1	12	1
12	42	13	2	11	43
11	31	12	0	10	81
10	82	11	0	09	88
09	148	10	3	08	130
08	39			07	0
07	450			06	16
06	149			05	63
05	801			04	10
04	160				
03	12				
TOTALS	1,921	TOTALS	6	TOTALS	432

AVERAGE GS GRADE	AVERAGE WS GRADE	AVERAGE WAGE GRADE
06.3	11.8	08.2

CUMULATIVE MILITARY GRADES CONVERTED

AS OF 31 MARCH 1980

OFFICERS		WARRANT OFFICERS		ENLISTED	
06	5	W4	13	E9	7
05	23	W3	27	E8	35
04	68	W2	20	E7	251
03	147	W1	9	E6	575
02	38			E5	702
01	37			E4	291
				E3	111
TOTALS	318	TOTALS	69	TOTALS	1,972

AVERAGE OFFICER GRADE	AVERAGE WARRANT OFFICER GRADE	AVERAGE ENLISTED GRADE
03.0	W2.5	E5.3

Goal - 3161 (By 30 JUN)

TOTAL CONVERSIONS AS OF 31 MAR 80 - 2359

802 REMAINING

best copy available